



Costs Decision

Site visit made on 5 February 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Costs application in relation to Appeal Ref: APP/U4610/W/19/3241025 Old Crown Inn, 89 Windmill Road, Coventry CV6 7AT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr P Akhter - Future Properties 4 U Limited for a full award of costs against Coventry City Council.
 - The appeal was against the refusal of planning permission for a two storey rear extension and loft conversion to create 8 No additional HMO rooms.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG sets out the type of behaviour that may give rise to a substantive award against a local planning authority (LPA) and includes situations where an LPA has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Other types of behaviour that may result in costs being awarded include where vague, generalised or inaccurate assertions are made about a proposal's impact, which are unsupported by any objective analysis.
4. The appellant contends that the Council refused the planning application against the advice of its professional planning officers without clear justification for doing so and without applying its own space standards. However, members of the Council's Planning Committee are not duty bound to accept any recommendation. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
5. Policies H3 (Provision of New Housing) and H11 (Homes in Multiple Occupation) require amongst other things an assessment as to whether proposals would materially harm the amenity value and living standards of future occupants and require that new residential development provides a high quality residential environment. For the reasons set out in my appeal decision, even having regard to the Coventry City Council Guidance for Houses in Multiple Occupation (2006), the evidence before me does not persuade me that the development

would provide suitable living conditions for occupants of the HMO nor that the material considerations in this instance warrant a decision other than against the policies of the development plan. On this basis, I find that the Council was within its rights to apply a planning judgement when assessing the proposal against the policies of the development plan.

6. To conclude, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR