
Costs Decision

Site visit made on 15 October 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Costs application in relation to Appeal Ref: APP/G2435/W/19/3231458 142 Melbourne Road, Ibstock LE67 6NN

- 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 Lee Alesbrook for a full award of costs against North West Leicestershire District Council.
 - The appeal was against the refusal of planning permission for proposed new dwelling and associated parking.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG)¹ advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
3. The costs application alleges that the Council was not pragmatic in its handling of the application and that its refusal reason was based on inaccurate and unsupported assertions about the proposal's impact on the character and appearance of the area.
4. I find the Council's case includes an assessment that is neither vague nor generalised. It sets out clearly how the Council considers the development would not be in accordance with policies relating to good design and protection of the character of the area. These are necessarily subjective matters. Whilst I have reached a different conclusion to the Council, I do not consider that the Council's decision was so fundamentally flawed or without foundation as to represent unreasonable behaviour.
5. Amended plans and further information were submitted as part of the application process in order to find solutions to a number of the Council's concerns. There is no refusal reason relating to highways impact despite substantial local concern. These factors do not indicate that the Council unreasonably prevented or delayed a development which should clearly be permitted.

¹ PPG Paragraph: 049 Reference ID: 16-049-20140306 - Revision date: 06 03 2014

Conclusion

6. I therefore find that unreasonable behaviour on the part of the Council resulting in unnecessary or wasted expense incurred by the appeal has not been demonstrated. Accordingly, I conclude that an award of costs is not justified in this instance and the application is refused.

S D Castle

INSPECTOR