The Planning Inspectorate

Costs Decision

Site visit made on 10 June 2020

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Costs application in relation to Appeal Ref: APP/E3715/W/20/3247886
2 The Bank, Pailton Road, Harborough Magna, CV23 0HQ

- 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 Dr Coria for a full award of costs against Rugby Borough Council.
- The appeal was against the refusal of planning permission for two dwellings.

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The issue raised by the Council's decision is primarily the effect on the character and appearance of the area. That is the matter that needed to be addressed in the appeal notwithstanding the Council's reference to an 'important open gap' and the identification of non-designated heritage assets during the course of determination.

4. There is no policy basis for considering the appeal site an 'important open gap', nor was it suggested otherwise by the Council. That does not mean that the space is not important to the character and appearance of the area. Indeed, that is what I concluded in the appeal decision. The language used by the Council did not result in any additional work on the part of the appellant and certainly did not lead to an appeal that would otherwise have been unnecessary.

5. The Council did not robustly substantiate its contention that the buildings either side of the appeal site should be considered non-designated heritage assets, but the position was not a wholly unreasonable one to have taken. Again, the principal issue of character and appearance needed to be addressed regardless of the presence of non-designated heritage assets and little turned on the fact that the buildings had been identified as such. This is apparent in the evidence in that the appellant was able to say relatively little in responding to the matter.

6. Overall, it seems to me that an appeal would have been necessary regardless of the matters raised by the applicant. I therefore find that unreasonable

behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Michael Boniface

INSPECTOR