



Costs Decision

Site visit made on 14 July 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Costs application in relation to Appeal Ref: APP/B3410/D/20/3246165 141 Thornley Street, Burton Upon Trent DE14 2QP

- 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 Hussain for a full award of costs against East Staffordshire Borough Council.
 - The appeal was against the refusal of planning permission for extension to first floor above existing single storey extension to accommodate new prayer/study room and replacement bathroom.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant considers that the Council did not apply its policies correctly in deciding the application, despite the reduction in the size of the proposal from the original submission. As a result, the applicant has had to engage the services of a consultant to make the appeal.
5. The Council contend that the application was given full consideration to the proposal and worked with the applicant in an attempt to find a compromise solution and fully articulated the justification for the refusal in the Officer Report.
6. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would conflict with. These reasons were adequately substantiated by the Council in the officer report and whilst I may disagree with the Council for the reason that I explained in my appeal decision, I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR