



Costs Decision

Site Visit made on 10 November 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Costs application in relation to Appeal Ref: APP/G2435/W/20/3257635 25 London Road, Kegworth, DE74 2EU

- 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 Russell Ward for a full award of costs against North West Leicestershire District Council.
 - The appeal was against the refusal of planning permission for the change of use to eight bedroom, eight person HMO (sui generis).
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Decision

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

Preliminary Matter

2. The description used in the header above has been taken from the Council's decision notice as it is more concise than that included on the application form.

Reasons

3. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
4. The applicant submits that the Council did not justify their reasons for overturning the recommendation made by the Planning Officer, and the responses from statutory consultees.
5. It is clear that the Committee made its decision after having considered a detailed report setting out the policy background, consultee responses as well as the Planning Officer's assessment of the proposal. Elected members of the Council are entitled to reach a different decision to Officers, however, must substantiate their concern.
6. In this case I am satisfied that the Council substantiated its concern within the evidence submitted with the appeal, including detailing the relationship of the host property to nearby occupiers, highlighting activities which it considered would result in noise and disturbance and making reference to the development plan. Whilst I found differently to the Council in this regard, I am satisfied that it acted in a reasonable manner in the appeal process.

Conclusion and Recommendation

7. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. The appellant's costs associated with the appeal were a necessary part of the process.
8. I recommend that an award of costs is not be justified in this case.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

RC Kirby

INSPECTOR