
Costs Decision

Site visit made on 15 October 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Costs application in relation to Appeal Ref: APP/W2465/Z/20/3257065 Land at Mash Autos, St Georges Roundabout, Leicester LE5 3BA

- 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 Alight Media for a full award of costs against Leicester City Council.
 - The advertisement proposed is for the replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display
-

Decision

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

Reasons

2. Paragraph 30 of the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process.
3. In assessing the application for costs, I note the applicant has referred to alleged unreasonable behaviour of the Council with respect to ignoring a previous appeal decision; that there is no harm and the proposal should have been granted consent.
4. It is clear from the submitted Officer Report that the Council had concerns regarding the impact to the character and appearance of the area. The Council was not obliged to agree with the applicant's views on whether the proposal is harmful and has provided an adequate explanation in its report of why it refused advertisement consent. There is a previous appeal decision evident to consider, but it relates to a different type of advertisement. Therefore, it did not bind the Council to reach the same conclusion.
5. There is no substantive evidence before me which demonstrates that the appeal scheme was not properly assessed by the Council or that the conclusion it reached was reliant on baseless concerns.
6. In conclusion, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

M Shrigley
INSPECTOR

