
Costs Decision

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

**Costs application in relation to Appeal Ref: APP/T2405/X/21/3266587
2a Woodbank, Glen Parva LE2 9QP**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr E Dutton-Hall for a full award of costs against Blaby District Council (the LPA).
 - The appeal was against the refusal of a certificate of lawful use or development for erection of single storey building within the curtilage of 2A Woodbank required for a purpose incidental to the enjoyment of the dwelling as such.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant's grounds for the costs application are that the LPA incorrectly applied the relevant case law in *Emin v SSE and Mid-Sussex CC [1989]* by refusing the LDC application on the basis of the size and scale of the proposed outbuilding.
4. I do not consider the Council misinterpreted the relevant case law. It is clear from their evidence that the size of the building relative to the host dwelling was not the sole factor which led to its decision but was determinative in the context of the proposed uses of the building and whether or not those uses at the scale proposed were incidental.
5. The applicant also indicates that the LPA has misdirected itself in conflating elements of planning judgement in its reasons for refusal. However, it seems clear to me that the LPA's decision derived from reasons which solely related to the consideration of whether or not the proposal would be granted planning permission by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015.
6. As can be seen from the appeal decision, I have come to the conclusion that the LPA's decision to refuse the LDC application was well-founded. Whilst section 195 of the 1990 Act is clear that my remit is confined to considering whether the refusal was well-founded and not the reasons for it, I see nothing unreasonable in the LPA's approach to its refusal of the LDC application.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

J Whitfield

INSPECTOR