



Costs Decision

Site visit made on 30 November 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Costs application in relation to Appeal Ref: APP/W3710/W/21/3277478 Crystal Palace, Gadsby Street, Nuneaton CV11 4PA

- 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 Jagdip Dosanjh for a full award of costs against Nuneaton & Bedworth Borough Council.
 - The appeal was against the refusal of planning permission for change of use from former Public House (A4) to HMO (C4) and single unit (C3).
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the 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 have included a reason for refusal (highways) when their own policies suggest a net benefit. The applicant has demonstrated compliance with policy HS4 (community facilities) which the Council have not taken into consideration. The living conditions reason for refusal is imprecise. The Council have unreasonably delayed development both in validating the application and determining the application, therefore costing the applicant in a financial sense.
5. The Council have stated that they took the considerations of consultees into account in relation to highway and community facilities and feel that the application does not meet the policies of the development plan, and the condition relating to living conditions is not imprecise, backed up by an SPD. Finally, with regard to the application timescales, they do not consider there was an unreasonable delay and have worked with the appellant in a positive and proactive manner to secure an amended scheme but ultimately there was no possibility of reaching agreement.

6. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The first reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states which policies of the development plan and which section of the National Planning Policy Framework that the proposal would be in conflict with. The reasons for refusal have been adequately substantiated by the Council in its Appeal Statement.
7. I may not agree with the Council, but I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR