



Costs Decision

Site visit made on 7 December 2021

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Costs application in relation to Appeal Ref: APP/X2410/X/21/3276191 6 Pulteney Avenue, Loughborough LE11 2NA

- 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 R Patel for a full award of costs against Charnwood Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the erection of a single dwellinghouse.
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Decision

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

Reasons

2. 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 costs to incur unnecessary or wasted expense in the appeal process. Awards against a party may be either procedural or substantive.
3. The applicant asserts that the Council acted unreasonably in the way that it handled the application and as a consequence, the applicant has incurred unnecessary expense in pursuing the appeal. The application for costs relates to the merits of the appeal and is therefore substantive.
4. The Council set out its reasons for refusing the application within a notice dated 17 September 2019 and has supported its position through the appeal with various documentation. As can be seen from the appeal decision, I have found that the Council's decision to refuse an LDC was well-founded and have dismissed the appeal.
5. I do not therefore consider that the Council was unreasonable for refusing the application on the basis that the building was constructed as a detached workshop/office.

Conclusion

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

M Savage

INSPECTOR