
Costs Decision

Site visit made on 10 May 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2022

Costs application in relation to Appeal Ref: APP/J0540/W/21/3281733 10A Wainman Road Orton Longueville Peterborough PE2 7BU

- 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 A Hanif One Stop Car Sales for a [partial] [full] award of costs against Peterborough City Council.
 - The appeal was against the refusal of planning permission for the change of use of land to car storage, erection of car preparation and photography booth and associated fencing and surfacing.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant considers that the Council has exhibited unreasonable behaviour that made the appeal necessary in the first place in relation to the substance of the matter of the appeal and the history of the site.
4. It will be seen from my decision that I agree with the Council and that there were sufficient grounds for refusing planning permission related to the harm to the character and appearance of the area. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.
5. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

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

Edwin Maund

INSPECTOR