
Costs Decision

Site visit made on 9 May 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2022

Costs application in relation to Appeal Ref: APP/W2465/W/22/3291696 5 Bowling Green Street, Leicester LE1 6AS

- 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 Richard Hames 5BGS Ltd for a full award of costs against Leicester City Council.
 - The appeal was against the refusal of planning permission for the change of use from office (Class E) to 4-bedroom house in multiple occupation (HMO) (Class 4); alterations.
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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 or wasted expense in the appeal process.
3. In this case, the appellant argues that the Council acted unreasonably in not reviewing the case as part of sensible on-going case management following a series of prior approvals issued under permitted development rights. These have established the ground floor can be used as residential flats.
4. However, there are no equivalent permitted development rights for HMO use. A more limited range of considerations apply in prior approval cases, with no requirement for adequate outlook and privacy. In addition, the area proposed for the lounge/dining room in this case would be used as a utility area in the residential flat scheme where adequate daylight is less critical.
5. I therefore find that the Council behaved properly in refusing the application and unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

David Reed

INSPECTOR