
Costs Decision

Site visit made on 15 June 2022

by M Clowes BA (hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Costs application in relation to Appeal Ref: APP/Y2003/W/22/3291733 35 Donnington Gardens, Scunthorpe DN15 7RJ

- 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 S A Zaman for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for 'extension and alterations to provide a 6 bedroom HMO.'
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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.
3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by failing to substantiate each reason for refusal or by making vague, generalised or inaccurate assertions about a proposals impact.
4. The Council's decision notice is specific and relevant to the proposal. The reasons for refusal are clearly articulated and state the policies of the development plan that the proposal would be in conflict with. Notwithstanding the Officer recommendation, the apportionment of weight is a matter for the decision maker. The minutes from the planning committee meeting indicate that there were a range of speakers on the proposal raising concerns on a number of matters including noise and highway safety. It appears from the evidence, that the committee attached different weight to the site context, residents' views and Environmental Health and Housing and Highway Authority consultation responses, as is their right. This matter does not amount to unreasonable behaviour on the part of the Council but instead, highlights the difference of opinion between the parties, in respect of the planning merits of the proposal.
5. In my decision I have found that the Council had reasonable concerns about the impact of the proposed development on the character and appearance of the area and the living conditions of neighbouring occupiers which justified its decision.

6. The applicant suggests that planning permission would not be required to change the use of a dwelling to a Class C4 house in multiple occupation (HMO). However, the change of use was part of the development scheme and the description was set out by the applicant on the planning application form. The Council determined the proposal that was before them and in this regard, I do not find unreasonable behaviour.

Conclusion

7. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

M Clowes

INSPECTOR