



Costs Decision

Site visit made on 2 August 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

**Costs application in relation to Appeal Ref: APP/T2405/W/22/3292797
Land adjacent The Bungalow, Forest Road, Huncote, Leicestershire,
LE9 3LE.**

- 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 C Harris for a full award of costs against Blaby District Council.
 - The appeal was against the refusal of an application for the erection of a dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. In relation to the appeal I found that on the planning merits of the outline scheme the proposed dwelling did not accord with the provisions of the development plan and would also harm the character of the area as the site was too narrow to accommodate a dwelling in principle. It had also not been demonstrated that the occupiers of a new dwelling on this site would have reasonable living conditions and not suffer noise and odour effects from nearby commercial uses. For the reasons given I concluded that the proposed dwelling would not be sustainable development as set out in the National Planning Policy Framework. This policy conflict was not outweighed by any other factor.
4. On this basis the Council's decision to refuse planning permission was not unreasonable. The Council has been able to substantiate its case and it has not refused development which should have reasonably been permitted. I note that before the application was submitted the Council were not able to offer 'pre-application advice' to the appellant's agent but this stance on its own is not critical that it outweighs the formal decision on the planning application.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Murray

INSPECTOR