The Planning Inspectorate

Costs Decision

Site visit made on 15 August 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2022

Costs application in relation to Appeal Ref: APP/J3015/W/22/3294742
150 Queens Road, Beeston, Nottinghamshire NG9 2FF

- 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 Manjit Ram for a full award of costs against Broxtowe Borough Council.
- The appeal was against the refusal of planning permission for a change of use of the existing residential property (Class C3) to a 7 bedroomed HMO.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who behaved unreasonably and thereby caused the other party applying for costs to incur unnecessary or wasted expense in the appeal process. Awards against local planning authorities may be either procedural relating to the appeal process or substantive, relating to the planning merits of the appeal. The applicant is seeking a full award of costs on substantive grounds.

3. The applicant says the Council did not provide clear explained planning reasons for the decision. The Decision notice briefly lists the reasons for refusal, which include the number of residents that would be occupying the dwelling and their impact on surrounding neighbours, the character of the area and parking problems. However, the Council has provided little information to explain the reasoning for this conclusion.

4. The Council's statement makes general reference to Policy 8 of the Broxtowe Aligned Core Strategy which identifies that Houses in Multiple Occupation have altered the residential profile of some neighbourhoods. However, there is little evidence before me to demonstrate how specifically the presence of Houses in Multiple Occupation has impacted the area around the appeal site. Nor has the Council identified how and why the proposed occupation of the appeal property by 7 people would contribute to or exacerbate any existing harm that there may be in the Queens Road area, particularly in relation to the effect on the occupants of neighbouring properties, the character of the area or car parking.

5. The Council has made generalised assertions unsupported by any objective analysis and as such has not provided evidence to substantiate the reasons for refusal. The Council took a different view to officers in refusing the planning

application which they are entitled to do. Nevertheless, in refusing the planning application the reasons should have been justified and this has not been done.

Other Matters

6. The applicant raised procedural issues relating to matters associated with the planning committee but in final comments accepted the Council's response which was outlined in their statement and so I have not considered this element further.

Conclusion

7. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has been demonstrated. Therefore, the application for an award of costs is allowed.

Costs Order

8. In the exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Broxtowe Borough Council shall pay Mr Manjit Ram the costs of the appeal. The applicant is now invited to submit to Broxtowe Borough Council, to whom a copy of this Decision has been sent, details of the costs with a view to reaching agreement as to the amount.

K Ford

INSPECTOR