



Costs Decision

Site visit made on 15 December 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Costs application in relation to APP/Y2430/W/22/3300525

Land adjacent Brooksby Road, Hoby LE14 3EA

- 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 Alison Warner for a full award of costs against Melton Borough Council.
 - The appeal was against the refusal of planning permission for two self-build dwellings and relocation of children's play-area.
-

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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The application essentially relies on the fact that the Council refused planning permission for the proposed development.
5. I have noted the previous appeal decision and the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. Whilst Council Members have taken a different view from that of their officers, they are not duty bound to follow the advice of their officers, provided that there are sufficient planning grounds to come to a contrary view.
6. As seen from my decision I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision relating to the impact on the character and appearance of the area and the impacts upon climate change. In coming to my decision, it is apparent to me that the Council had legitimate concerns based on the evidence provided and has substantiated its position on appeal rather than vague, generalised or inaccurate assertions.

7. As a result, it follows that I do not agree that the Council has acted unreasonably in this case given the concerns relating to the proposal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR