
Costs Decision

Site visit made on 5 December 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Costs application in relation to Appeal Ref: APP/J0540/W/22/3299662 2A Fulbridge Road, Peterborough, Cambridgeshire PE1 3LA

- 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 Pervez Iqbal of Fulbridge Social Care for a full award of costs against Peterborough City Council.
 - The appeal was against the refusal of planning permission for proposed single storey extension to form new training room.
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Decision

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

Reasons

2. Planning Practice Guidance (the 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 expense in the appeal process. It is an accepted principle that parties in planning appeals normally meet their own expenses. An award of costs does not extend to indirect losses.
3. The applicant suggests that the Council have acted inconsistently and unreasonably by ignoring the applicant's assertions that the site and Fulbridge Road provide more than adequate car parking to serve the proposal, which has led to unnecessary expense.
4. The applicant presented the Council with additional information during the course of the application, including in relation to the proposed car parking arrangements and the availability of on-street parking along Fulbridge Road. That additional information is specifically referred to in the officer report; the Council found that the additional points raised by the applicant did not provide sufficient justification for the proposal. The officer report therefore shows that an analysis of the merits of the proposal was undertaken having regard to the additional information submitted by the applicant and its stance was not made without substantiation. It was not unreasonable of the Council to find that the proposal failed to provide adequate car parking facilities on the basis of the evidence before it, which included conflicting location and site plans. Consequently, the Council did not act unreasonably in this regard.
5. I have reached the same conclusion as the Council regarding the car parking implications of the proposal. That does not vindicate any procedure or reasoning on their part. However, it establishes that it is not the case that planning permission should clearly have been granted; the Council's decision

stands scrutiny relative to the statutory approach to decision-taking. The dispute was a matter of planning judgement, rather than the applicant being forced into an appeal by consequence of unreasonable behaviour on the part of the Council.

6. It therefore follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. The evidence does not justify either a full or partial award of costs. The application for an award of costs is refused.

M Offerenshaw

INSPECTOR