
Costs Decision

Site visit made on 8 December 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Costs application in relation to Appeal Ref: APP/U4610/W/22/3300305 Argyle House, Collingwood Road, Coventry CV5 6HW

- 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 J Agarwall of The Chesterfield Partnership for a full award of costs against Coventry City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of existing offices and warehouse buildings and the erection of Purpose Built Student Accommodation (PBSA) between two and four storey building and associated works.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. 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. Planning Practice Guidance provides a number of potential examples of unreasonable behaviour by Councils, both substantive and procedural.
3. The applicant is seeking costs for the delay and for the unreasonable behaviour of the Council in failing to determine their application within the prescribed period.
4. In this context, I am mindful of Planning Practice Guidance¹, which states in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
5. It is clear from the Council's statement submitted with the appeal that they have explained why they did not reach a decision within the relevant time limit, the events of removing the application from committee, and subsequently why the application would have been refused.
6. In light of the findings in my appeal decision, where I agreed that the proposal would be harmful and should not be granted planning permission, there were substantive reasons to justify delaying the determination of the application.

¹ Paragraph: 048 Reference ID: 16-048-20140306

7. Indeed, even if finding that better communication with the applicant should have been achieved, this would not have enabled the appeal to be avoided altogether.
8. Consequently, and in the round, the Council has satisfied the relevant guidance and I cannot conclude that they acted unreasonably, and that the applicant has wasted expense at appeal.

Conclusion

9. For the reasons given, the application for a full award of costs is refused.

Liam Page

INSPECTOR