



Costs Decision

Site visit made on 15 March 2023

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2023

Costs application in relation to Appeal Ref: APP/X2410/D/22/3313864 Aldermans Haw, Charley Road, Ulverscroft, LE12 8SY

- 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 and Mrs Wright for a full award of costs against Charnwood Borough Council.
 - The appeal was against the refusal planning permission for a two-storey rear extension to existing dwelling house.
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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. Unreasonable behaviour can be procedural or substantive.
3. In this case, the appellants submit that the Council has acted unreasonably by applying the wrong Development Plan policy when determining the planning application and by failing to fully assess the heritage significance of Aldermans Haw. These shortcomings resulted in the appellants having to resort to an appeal and to incur the additional costs involved.
4. The Council was requested to provide comments on the appellants' claim and it contends that the proposal was properly considered and the relevant policies applied. Furthermore, the Council states that it assessed the evidence submitted by the appellants in respect of the heritage significance of the property and, notwithstanding, concluded that the building could be considered as a non-designated heritage asset.
5. I have addressed the application of planning policy in my appeal decision and explained why I consider that Policy CS14 of the Council's Core Strategy (CS) can apply to non-designated assets. Furthermore, the Council's refusal was based on conflict with other more general policies of the CS, particularly Policies EV1 and H17.
6. Notwithstanding the appellants' contention regarding the relevance of Policy CS14, I consider that the proposal conflicts with Policies EV1 and H17. That, in itself, weighs heavily against the development and is sufficient justification to refuse the proposal.

7. Regarding the assessment of the heritage significance of Aldermans Haw, these things can be a matter of opinion, which I have discussed in paragraph 11 of the appeal decision. There is no evidence to suggest that the Council did not fully consider the supporting assessments submitted by the appellants and that it formed a conclusion based on these submissions, coupled with the professional opinion and knowledge of its own Heritage Officer.

Conclusion

8. For the reasons given above, I therefore find that an appeal was unavoidable and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Ian McHugh

INSPECTOR