



Costs Decision

by Elizabeth Jones BSc (Hons) MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

**Costs application in relation to Appeal Ref: APP/J0540/X/22/3300282
37 West End Road, Maxey, PETERBOROUGH, PE6 9EJ**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Warren and Christine Garford for a full award of costs against Peterborough City Council.
 - The appeal was against the refusal of the Council to issue a certificate of lawful use or development for the continued use of the dwelling without complying with an agricultural occupancy condition.
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Decision

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

The submissions for the appellants

2. In essence, the appellants submit that the Council acted unreasonably, illogically and irrationally in its interpretation of the agricultural occupancy condition. The Council ignored and/or failed to apply national planning guidance and case law, had regard to irrelevant considerations and this resulted in unnecessary and wasted expense in having to make the appeal.

The response by the Council

3. The Council with reference to its Officer's report states that the determination of the LDC application took into account the relevant legislation, National Planning Policy Guidance and relevant case law. The Council contend that the costs are those incurred when an appeal is made.

Reasons

4. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
5. The appeal primarily concerned the interpretation of the specific wording of the Council's agricultural occupancy condition. The appellants submit that the Council acted contrary to, or not following, well-established case law. Having regard to the nature of the legal arguments involved in this particular case I consider that the Council's submissions provided sufficient evidence to support its interpretation of the condition and its reason for refusing the LDC application with reference to national planning guidance and case law.
6. Parties in planning appeals normally meet their own expenses. However, 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. I am unable to conclude that the Council behaved unreasonably. The costs incurred by the appellant in pursuing the appeal, were the normal costs arising when the right of appeal is exercised.

Conclusion

7. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Elizabeth Jones

INSPECTOR