



Costs Decision

Site visit made on 27 June 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

**Costs application in relation to Appeal Ref: APP/F2415/W/22/3301363
Agricultural Building, Debdale Lane, Smeeton Westerby, Market
Harborough LE8 0QD**

- 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 Arnold for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission to convert an agricultural building into one residential dwelling.
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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.
3. The appellant's claim for costs relies on whether the Council has failed to consider the Class Q fallback position.
4. The Council originally recommended approval and the Officer's Report makes it clear that the fallback position was considered as a material consideration. It was a matter for the Council, as decision-maker, to determine the weight that the fallback position should be attributed in the overall planning balance and this was clear within the report.
5. The committee saw sight of this report and assessment during their consideration of the application and in their view the fallback position did not outweigh the conflict with the development plan. Whilst I have found differently the committee were not unreasonable to reach a different view when weighing up the overall planning balance.
6. I note that members suggested that the scheme could be implemented anyway, due to the fallback position and as such they do not need to grant further permission. However, it does not appear to be the only reason for reaching their decision.
7. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for costs is refused.

D Wilson

INSPECTOR