



Costs Decision

Site visit made on 6 July 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Costs application in relation to Appeal Ref: APP/U4610/W/23/3316646 28 Tallants Road, Coventry CV6 7FT

- 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 Sunny Dhillon for a full award of costs against Coventry City Council.
 - The application Ref FUL/2021/2944, dated 7 September 2021, was refused by notice dated 20 January 2023.
 - The appeal was against a refusal to grant planning permission for the proposed development described as "demolition of existing dwelling and creation of 9 no. dwellings and associated access road and landscaping on existing vacant land."
-

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. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
4. Essentially, the applicant is seeking a full award of costs due to the Council's unreasonable behaviour during the appeal process.
5. The applicant alleges that the Council acted unreasonably by not engaging with the appeal process, and by not defending the Planning Committee's decision to refuse the application through the submission of a Statement of Case.
6. However, the Council submitted the appeal questionnaire on 15 May 2023, and therefore engaged with the appeal process. Whilst the Council did not submit a Statement of Case, paragraph 75 of the Planning Committee minutes (dated 19 January 2023) submitted with the appeal questionnaire states: *"Following discussion, the Committee expressed concerns that the proposed development represented an over development of the site, was out of keeping with the character of the area and that a number of plots had insufficient private amenity space which fell below the 50 square metres required for a three-bedroom property."* The Council's decision notice also states the reason for refusal. Therefore, the Council gave clear reasons as to why it was concerned that the proposal, by virtue of its scale and design, would cause harm to the character and appearance of the area, and living conditions of future occupiers.

7. I also note that the applicant's agent spoke at the Planning Committee meeting and presented their case, which was considered by the Committee together with the Planning Officer's presentation. The discussions during the Planning Committee meeting would have provided the applicant's agent with more detail on the Councillor's reasons for refusing the application.
8. The Planning Committee exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the evidence before them, the adopted development plan for the area and national planning policy. Therefore, I find the Council to have acted reasonably in this instance.
9. The applicant also alleges that the Council acted unreasonably by not providing any potential conditions that could be imposed if the appeal was allowed. However, the Planning Committee report that was produced by the Council's Planning Officer included a list of suggested conditions. This document was submitted with the appeal questionnaire and forms part of the appeal submission for the Council. Therefore, I find the Council to have acted reasonably in this regard.
10. Consequently, I have seen no sufficiently compelling evidence that the Council behaved unreasonably. The Council refused the application and provided sufficient detail as to why it did not grant permission. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary and/or wasted expense.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

H Smith

INSPECTOR