



Costs Decision

Site visit made on 10 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2023

Costs application in relation to Appeal Ref: APP/E3715/W/23/3319725 301 Clifton Road, Rugby CV21 3QZ

- 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 Singh for a full award of costs against Rugby Borough Council.
 - The appeal was against the refusal of planning permission for the proposed change of use of shop to a hot food takeaway, plus single storey rear/side extension. Relocation of side door.
-

Decision

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

Reasons

2. 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.
3. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant states that the Council has acted unreasonably in preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The application for a full award of costs on substantive grounds essentially relies on the fact that the Council's officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without adequate reason to do so. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. I have noted the recommendation of the Council's officers, however, the decision is one which is a matter of judgement. The Council Members were entitled not to accept the professional advice of officers' so long as a case could be made for the contrary view. Whilst no objection was raised by the Highway Authority, the extent to which customers vehicles parked in the public highway may affect highway safety is a matter of judgement.
6. It can be seen from my decision that I agree with Council Members and that there is conflict with Policy D2 of the Rugby Borough Council Local Plan 2011-

2031 relating to the provision of adequate and satisfactory parking facilities to serve the proposed development. I am therefore satisfied that the Council's submissions show that it was able to substantiate its reason for refusal.

7. As a result, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicant was put to unnecessary or wasted expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
8. For these reasons the application for costs is therefore refused.

E Worley

INSPECTOR