



Costs Decisions

Site visits made on 16 January 2024 and 14 March 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Costs applications in relation to Appeal Ref: APP/F2415/W/23/3328703 and Ref: APP/F2415/W/23/3328656

Land north of Broughton Way, Broughton Astley

- The applications are 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 applications are made by V300 Projects Ltd for a full award of costs against Harborough District Council.
 - The appeals were against the refusal to grant subject to conditions planning permission for a residential development and a proposed development of up to 17 self-build residential dwellings.
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Decision

1. The applications for an award of costs are 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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes 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 and making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The reasons for refusal set out on both decision notices are complete, specific and relevant to the application and also clearly state the policies of the Harborough Local Plan and Astley Broughton Neighbourhood Plan that the proposals would conflict with. The reasons for refusal have been adequately substantiated within the Officer's Report based on the evidence submitted by the applicant, statutory consultees, third parties and the observations of Council Officers.
5. It is evident from the information before me that the Council have not failed to give due weight to developments in the locality of the appeal site. Nor have the Council disputed the shortfall in self-build and custom housebuilding plots in the district and have presented their cases accordingly.
6. The decisions made are ones which are a matter of planning judgement based on the merits of the proposal and the evidence submitted. I find that the Council have objectively assessed the planning application, rather than making

assumptions, and not failed to properly evaluate the planning applications or failed to have due regard to the merits of the cases presented or local and national planning policies and other considerations.

7. As seen from my decisions I have found that the Council had legitimate concerns about the impact of the proposed developments. The Council have not acted unreasonably in exercising planning judgement and coming to their decisions.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR