



Costs Decision

Site visit made on 22 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 31st May 2024

Costs application in relation to Appeal Ref: APP/X2410/W/23/3332152 183, Field View, Ratcliffe road, Sileby, Leicestershire LE12 7PX

- 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 Major Ken McRae for a full award of costs against Charnwood Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for demolition of existing dwelling and erection of a replacement dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on both procedural and substantive grounds.
3. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, by preventing development which should clearly be permitted having regard to its accordance with the development plan and by charging a fee for the application.
4. Whilst I understand the applicant's frustrations that the Council chose to impose an amended condition instead of completely removing the condition, this was not an unreasonable approach for the Council to take. The delegated report provides a comprehensive analysis of the proposal giving clear reasoning for their decision and highlighting the relevant development plan policies.
5. The applicant asserts that the application should have been free of charge. However, in this case, permitted development rights have been removed via a planning condition linked to the individual permission and not via an article 4 direction which can be used to remove permitted development rights over a wider area. Moreover, the Planning Practice Guidance makes it clear that costs can only be claimed where parties have incurred unnecessary or wasted expense as part of the appeals process.
6. Consequently, unreasonable behaviour, as described in the Planning Practice Guidance, resulting in unnecessary or wasted expense has not occurred and awards of costs is not warranted.

K Allen

INSPECTOR