



Costs Decision

Site visit made on 9 July 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Costs application in relation to Appeal Ref: APP/W2465/W/24/3340896 23-27 Lincoln Street, Leicester LE2 0JU

- 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 Hitesh Majoria for a full award of costs against Leicester City Council.
 - The appeal was against the refusal of planning permission for retrospective change of use to C3 dwellings.
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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 that the Council changed their position without forewarning in refusing the planning application.
4. The Council originally worked with the appellant suggesting that some of the flats were too small and suggested combining some to make larger flats. The appellant made the suggested changes and submitted new plans to the Council. On this basis, the appellant assumed that the Council were satisfied with the amount of internal space provided.
5. Notwithstanding the correspondence with the Council, they still proceeded to contact the appellant during a period of absence and refuse the application on the basis of there being not enough internal space provided. This came as a shock to the appellant and there was no opportunity to discuss the matter further before the decision was issued.
6. I acknowledge that this may have come to a shock to the appellant however the Council's reasons for refusal are clear and supported by relevant planning Policy. While the Council could have continued to work with the appellant to try and find a solution to the amount of internal space provided, they are not obliged to do so.
7. The Council has not responded directly to the application for costs. However, their appeal statement does address why they considered the internal space provided was insufficient and that conditions would not have overcome this harm.

8. 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