



Costs Decision

Site visit made on 4 March 2024

by D Board BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Costs application in relation to Appeal Ref: APP/W2465/D/23/333290639 Lower Keyham Lane, LEICESTER, LE5 1FZ

- 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 Ebrahim Patel for a full award of costs against Leicester City Council.
- The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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. In this case the applicant is concerned with the Council's approach to the case on three substantive points. They consider that these points resulted in unreasonable behaviour which has caused unnecessary expense. I take each in turn.
4. The first issue relates to the mapping data that the Council has and the issue of what constitutes the original dwelling. The applicant's statement shows an extract that was emailed to them by the planning officer. The extract is not dated and no context is provided to suggest where it is derived from. By contrast the officer report includes three clearly dated extracts. The applicant has not provided any map based evidence. As such the only map information is that provided by the Council. It is not unreasonable for the Council to use its mapping information to seek to establish facts in a case.
5. The Council has clearly explained its position on interpretation of Class A of the General Permitted Development Order. This was set out in the officer report on the case. I appreciate that the applicant does not agree with the interpretation. However it does not automatically follow that the Council has been unreasonable. It has clearly explained the process it followed and why the position regarding the outrigger would not change the conclusion in any event.
6. I understand that the applicant is frustrated by not being able to discuss the case further. They have exercised their right to appeal and they would have the option of making a further submission for pre application advice or indeed a

further application. Overall I do not consider that a disagreement on interpretation of legislation is unreasonable behaviour.

Conclusion

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D J Board

INSPECTOR