
Costs Decision

Site visit made on 4 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Costs application in relation to Appeal Ref: APP/J0540/W/24/3350763

9 Padholme Road, Eastfield, Peterborough PE1 5EF

- 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 Paresh Pithiya for a full award of costs against Peterborough City Council.
The appeal was against the refusal of planning permission for the change of use of the building from house (Class C3) to 6 bedroom 9 person HMO (Sui-Generis), dormer addition and provision of bin and bike storage facilities.
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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 on the part of a Council may include failure to produce evidence to substantiate each reason for refusal or vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant refers to a certificate of lawfulness for the change of use of the appeal site from a dwellinghouse (Class C3) to a house in multiple occupation (HMO) (Class C4) with the construction of dormer window to the rear elevation, granted by the Council in April 2024 (Council ref: 24/00528/CLP) (the 6-person scheme). The costs application is made on the basis that the applicant considers the Council failed to have regard to the 6-person scheme in reaching its decision and failed to substantiate its reason for refusal on this basis.
5. However, in determining a certificate of lawful use or development under Section 192 of the Town and Country Planning Act 1990, issues of planning merit are not relevant. The 6-person scheme was not therefore assessed against the requirements of the development plan. On the contrary, as an application for planning permission, the appeal proposal must be assessed against the requirements of the development plan including its parking provision requirements.
6. The Council's reason for refusal set out in its decision notice is complete, precise, specific and relevant to the planning application. The Council's statement of case alongside the officer's delegated report constitute further evidence that

substantiates their reason. Their reason can be fully understood and it is clear that their concern relates to the harmful effects arising over and above the fallback position. I have also arrived at the same conclusion in dismissing the appeal for similar reasons.

Conclusion

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. Consequently, the application for an award of costs is refused.

H Marriott

INSPECTOR