
Costs Decision

Site visit made on 21 March 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Costs application in relation to Appeal Ref: APP/F2415/W/24/3350862

3 Bindleys Lane, Great Glen, Leicestershire LE8 9FA

- 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 Al Parker for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for the demolition of 3 garages and erection of a one-bedroom dwelling with parking space and creation of one new parking space on the frontage of 3 Bindleys Lane.
-

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. The application essentially relies on the applicant's view that the Council failed to substantiate its reasons for refusal but rather refused permission on the basis of a mistaken and unreasonable view that the proposal could not provide safe access and adequate parking and servicing and that it would not complement the neighbouring business and car manoeuvring area. They took this unreasonable approach despite there not being any support from the Council's Officers or from technical consultees.
4. The Council do not accept that it has failed to substantiate its reasons for refusal as Members of the Planning Committee visited the appeal site prior to making their decision and the reasons for refusal clearly explain the material planning concerns of Members and refers to the development plan. Further, the Council's statement of case clearly explains the harm the Council consider that the proposal would cause to the locality and the highway.
5. In relation to the planning merits, it is clear that whether or not the proposal would have an adverse impact on the character and appearance of the area or on highway safety are matters of planning judgement. The Council's appeal statement makes a sufficient case to support their view. Further, their judgement is supported by specific references to relevant policies of the development plan including a policy from the Great Glen Neighbourhood Plan 2011-2031 which specifically deals with parking that the applicant accepts the proposal fails to comply with.

6. I am satisfied that it is not unreasonable that Members have reached a different view from the Council's Officers, even though the technical consultees have not objected. I note that Members had visited the appeal site before deciding to refuse the application and they are not bound to accept the recommendations of their Officers. While I have come to a different judgement on the planning merits, I consider that the approach of the Council was arguable. Therefore, including these matters as reasons for refusal does not result in unreasonable behaviour.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Rawle

INSPECTOR