



Costs Decision

Site visit undertaken 25 May 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Costs application in relation to Appeal Ref: APP/W2465/W/25/3360453

Broadway Hotel, 263-265 Abbey Lane, Leicester LE4 5QH

- 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 P Singh against the decision of Leicester City Council.
 - The appeal was against the refusal of planning permission for 'Retrospective planning permission for covered area at the rear (timber structure + polycarbonate roof) of the property.'
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Decision Costs Application:

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 has put forward three grounds for unreasonable behaviour which relate to the procedural elements (relating to the process) and substantive elements (relating to the issues arising from the merits of the appeal). I turn to the grounds below.
4. Ground 1 relates to the Appellant feeling that there was a lack of justification for the refusal with the Council failing to provide substantive evidence to justify their decision. There is no information before me that would demonstrate that the Council has behaved unreasonably in this respect. Whilst I can appreciate that the Elected Members of the Council disagreed with the recommendation of the Council Officer, they have the ability to do this. I too concurred with the reasoning of the Council, particularly with regard to the proposal's impact towards character and appearance. The Elected Members were fully justified in refusing the application. Taking the above into account, I do not consider that unreasonable behaviour in line with the PPG has been demonstrated in relation to this matter.
5. Ground 2 relates to the Appellant's opinion that there has been a failure to follow National and Local Planning Policy. The main policies listed in the reason for refusal were relevant to the determination made and were based upon subjective judgements where the Elected Members were justified in disagreeing with the Council Officer. The Council have followed and applied the correct policies along with legislation and material considerations in accordance with the law when coming to a determination. It was not clear from interpreting these policies that the

application should be permitted. Taking the above into account, I do not consider that unreasonable behaviour in line with the PPG has been demonstrated in relation to this matter.

6. Ground 3 relates to the Appellant's opinion that the Council failed to meet deadlines, causing delays and unnecessary costs. According to the Council's Scheme of Delegation it must refer any planning application to be decided by the Planning Committee when an application receives 6 or more objections, which occurred in this application. The Council have then obtained consent from the Appellant¹ to extend the time frame of the application to 24th January in order to accommodate the Committee Meeting which was outside the 8 week period. This is a reasonable scenario given that the Officer was unable to approve the application under Delegated Authority in any event. Taking the above into account, I do not consider that unreasonable behaviour in line with the PPG has been demonstrated in relation to this matter.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated in this costs application. For this reason, and having regard to all other matters raised, an award for costs in is therefore not justified.

J Somers

INSPECTOR

¹ Email from DT Design to Leicester Council Dated 28/11/24 16:31