
Costs Decision

Site visit made on 28 May 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Costs application in relation to Appeal Ref: APP/J0540/W/25/3361344

4 Swift Close, Hampton Vale, Peterborough PE7 8PW

- 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 Nyasha Banhire (24/7 Support UK Limited) for a full award of costs against Peterborough City Council.
 - The appeal was against the refusal of planning permission for the change of use from C3 (residential dwelling) to C2 (residential institution) for up to 2 children (aged 4 to 17).
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Decision

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

Preliminary Matters

2. The description of the development was amended during the determination of the planning application to revise the maximum age from 18 to 17. The appellant has adopted this revised description on their appeal form, and I have therefore used this in the banner heading above.

Reasons

3. 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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on substantive grounds.
4. Unreasonable behaviour on the part of a Council may include failure to produce evidence to substantiate a reason for refusal, relying on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and refusing planning permission on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead.
5. The costs application is made on the basis that the Council has acted unreasonably in refusing planning permission. The applicant suggests that the Council (1) relied on vague and unsubstantiated assertions about the proposal's impact and (2) refused planning permission on a planning ground capable of being dealt with by condition.
6. In relation to (1), 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 constitutes further evidence

that substantiates their reason. The appellant contends that the Council assessed the development based wholly on an assumption of the worst-case scenario that all staff members attending the site would drive and all unallocated visitor spaces would be full, and that this is unreasonable behaviour.

7. However, the Council's reasoning for not accepting the use of the unallocated visitor car parking spaces adjacent to the site to meet the needs of this development is clear and can be fully understood. Moreover, it is not unreasonable to assess the proposal on the basis of the worst-case scenario and that conceivably, all staff may drive to the site, as this allows for a full and proper consideration of the scheme's potential effects.
8. In relation to (2), my main decision considers the conditions suggested by the appellant in relation to restricting the ratio of staff members to children and how many can be present on site at any one time, and provision of a sustainable travel plan to promote reduced car use by staff. The Council states that the conditions would not have overcome the harm identified in respect of insufficient on-site parking provision. Whilst their consideration of these conditions and whether they would've addressed the Council's concerns could have been clearer in the officer's delegated report, I am satisfied that the Council did not refuse planning permission on a planning ground capable of being dealt with by the conditions as suggested.
9. Overall, in relation to (1) and (2) I have arrived at the same conclusions as the Council, and I have dismissed the appeal for reasons relating to the effect of the proposed development on highway safety. As a consequence, different behaviours or actions by the Council would not have avoided the appeal.

Reasons

10. 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 Whitfield

INSPECTOR