



Costs Decision

Site visit made on 23 September 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th October 2025

Costs application in relation to Appeal Ref: APP/J3015/W/25/3367461

98 Dennis Avenue, Beeston, Nottinghamshire NG9 2RE

- 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 Tarajmeer Kakar for a full award of costs against Broxtowe Borough Council.
 - The appeal was against the refusal of planning permission for change of use of the property a single-family house into a 6 bedroom house in multiple occupation (HMO).
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Decision

1. The application for an award of costs is partly allowed in the terms set out below.

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 applicant's claim, in short, is that the Council should have approved the application and acted unreasonably in refusing it contrary to officer recommendation and for reasons not raised as concerns by officers. The applicant's final comments on the appeal point to the Council failing to put forward a single piece of evidence to justify deviating from its officer report, arguing that its case is therefore completely unsupported by any objective analysis.
4. The Council in response states that it had no option but to take the application to its planning committee once it was called in by a councillor. It adds that in subjective matters such as residential amenity and housing mix, it is reasonable for elected members to reach a different view to officers. Members considered the committee report and heard representations at the meeting before discussing the proposal. The reasons for refusal are clearly based on relevant policy, namely the National Planning Policy Framework, and are therefore substantive.
5. Elected members are not duty bound to follow their officers' recommendations, but if a different decision is reached the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and substantiate that reasoning. The Council's evidence is scant in this respect. The minutes of the planning committee meeting are limited to a brief summary of committee's concerns, with no further explanation offered in the subsequent statement of case.
6. In respect of the loss of a family home and the effects on the amenity of neighbours, there is simply no evidence before me from the Council to justify its position on either issue. Whilst I accept that the effect of a development on the

amenity of the area can involve judgment on subjective matters, there must still be specific harm identified, which the Council has failed to do. This failure is all the more egregious given officers had set out reasoning on both matters which wholly contradict the conclusions of the planning committee. Ultimately, the Council's evidence amounts to brief, vague assertions of generalised concerns, absent any cogent reasoning to counter the considered conclusions of the committee report.

7. In the planning judgment, and having regard to the provisions of the development plan, national planning policy and other material considerations, the application should reasonably have been supported in respect of these matters. The Council's failure to support its reason for refusal constitutes unreasonable behaviour contrary to the basic guidance of the PPG and the applicant has been faced with the unnecessary expense of appealing these elements of the reason for refusal.
8. The other matter set out in the reason for refusal relates to access and parking. Though briefly stated in the committee minutes, a clear concern was raised that the kerb access to the driveway had not been dropped and that the positioning of the bus stop meant that car access would not be safe. The Council has not elaborated on this concern in its statement of case, but the minutes of the committee meeting are sufficiently clear to set out the identified harm. I was able to see the situation for myself on site and draw my own conclusions as to the harm that would arise.
9. Moreover, the presence of the bus stop was only considered in the committee report on the basis of its provision of public transport, not its effect on access to the property. Thus, on this issue, the committee identified a point omitted from the committee report, in contrast to the other matters where the committee contradicted the conclusions of its officers without justification. I have agreed with the Council on this issue in my decision. Therefore, I find that the Council has substantiated its position in this matter and has not acted unreasonably in defending this at appeal.
10. Overall, I conclude that a partial award of costs is justified, to cover the expense incurred by the applicant in contesting the Council's reason for refusal so far as it relates to the matters of loss of family housing and the effect on the character and amenity of the area.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Broxtowe Borough Council shall pay to Mr Tarajmeer Kakar, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the reason for refusal so far as it relates to the matters of loss of family housing and the effect on the character and amenity of the area; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Broxtowe Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

K. Savage

INSPECTOR