



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Costs application in relation to Appeal Ref: APP/B0230/X/23/3327975

29 Limbury Road, LUTON, LU3 2PH

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Manwar Hussain for a full award of costs against Luton Borough Council.
 - The appeal was against the refusal of an application for an LDC for construction of detached outbuilding, reduction of ground level around building, construction of paths and retaining wall.
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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. It is a fundamental planning principle that a development proposal must be considered on its individual merits. In this regard the grant of an LDC for an outbuilding at 31 Limbury Road is inconsequential. The Council may have misunderstood the intended location of the proposed outbuilding at the appeal property but it is unlikely that this had an effect on the outcome of the application. The Council is entitled, as set out in *Emin v SSE [1989] JPL909*, to enquire about the nature and scale of the use to establish whether it is for a purpose incidental to the enjoyment of the dwellinghouse. In the absence of information the Council was justified in refusing the application for lack of information on the nature and scale of the use. The Council has not acted unreasonably and the Appellant has not incurred any wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector