
Costs Decision

Site visit made on 27 April 2015

by Julia Gregory BSc BTP MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18/06/2015

Costs application in relation to Appeal Ref: APP/K2420/W/14/3002014 The Poplars, Watling Street, Hinckley, Leicestershire LE10 3ED

- 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 Jim Smith for a full award of costs against Hinckley & Bosworth Borough Council.
 - The appeal was against the refusal of planning permission for is the erection of one new two storey dwelling and four no. residential mobile homes, including access and parking amendments and parking for the existing dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) indicates that Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The costs application was submitted in writing and therefore I shall not repeat it in any great detail. Essentially the appellant considers that the Council should not have refused the application and has given inadequate reasons for doing so.
4. I have dismissed the appeal. Whilst the award of costs does not necessarily follow the event it follows that a full award would not be justified because the appeal was not unnecessary. Also having considered the Council's reasons for refusal and I consider that their reasons for refusing the application which were based on the development plan were adequately expressed.
5. I note that the Council referred to the SPG on New Residential Development, but the committee report accepts that there should be flexibility because they are mobile homes rather than permanent dwellings to which the SPG more directly relates. That does not seem an unreasonable approach.
6. The scheme that has been previously been granted planning permission has significant differences to that which is the subject of the appeal proposal. It is not necessary for statements to be lengthy to be persuasive. Whilst the Council has mainly relied on the wording of the committee report, it is not unreasonable to rely on a committee report. Whilst the Council might have addressed the matter of the Model Standards, given that the use of land is governed by planning legislation, it was not unreasonable for them not to have done so.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Julia Gregory

Inspector