

Decision under Delegated Powers

Officer Requesting Decision

Group Leader, Development Management

Officer Making the Decision

Head of Planning & Regeneration

Recommendation

That the award for costs against the Planning Appeal Ref. X2410/W/6/3162995 (P/1519752/2), Essex Lodge, 194 Ashby Road, Loughborough, Leicestershire, LE11 3AG are paid.

Reason

The Planning Inspector ordered Charnwood Borough Council to reimburse the applicant the costs of the appeal proceedings.

Authority for Decision

Powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 enable costs for appeal proceedings to be awarded to appellants if the Planning Inspector concludes the local planning authority has acted unreasonably in the determination of planning applications.

Under the Section 8-2 (para 4) of the constitution Heads of Service have delegated authority to negotiate and settle disputes without recourse to court proceedings including negotiating and agreeing terms through alternative dispute resolution.

Decision and Date



16 July 2019

Background

A planning application reference P/15/1952/2 for an extension to student halls to provide 3 cluster apartments (1x6, 1x4, 1x3 bedrooms), a 1 warden apartment, and erection of building for 3 cluster apartments (1x4, 1x6, 1x7 bedrooms) was validated by the local planning authority on 25th September 2015. The application was presented to the Plans Committee on 11th May 2016 where members resolved to refuse planning permission against officer recommendation. An appeal against the decision was submitted to the Planning Inspectorate on 7th February 2017. The Planning Inspector allowed

the appeal on 12th June 2017, awarding the reimbursement of costs to the appellant. As instructed by the Planning Inspector, the appellant has submitted the claim for costs to the Council, which is itemised.

Financial Implications

The payment of £27,013.37 to the appellant to cover the costs incurred in bringing the appeal forward in full and final settlement to be met from cost code P510 D0556

Risk Management

Key Decision: No

Background Papers:

Application Papers
Appeal Costs Award
Email from the Agent Dated 14th June 2019