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## Costs Decision

Site visit made on 20 February 2017

**by Zoe Raygen Dip URP MRTPI**

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

**Decision date: 31 March 2017**

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### **Costs application in relation to Appeal Ref: APP/G2435/W/16/3162843 Land South of the Green, Donington Le Heath, Leicestershire**

- 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 Wrenbury Properties Ltd for a [partial] [full] award of costs against Hugglescote and Donington Le Heath Parish Council.
  - The appeal was against the refusal of planning permission for outline proposal for a development of up to 34 dwellings.
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### **Decision**

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

### **Reasons**

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for the costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 056 Reference ID: 16-056-20161210 of the PPG relates to awards of costs concerning interested parties and it states the following:

*"It is not anticipated that awards of costs will be made in favour of, or against, other interested parties, other than in exceptional circumstances. An award will not be made in favour of, or against interested parties, where a finding of unreasonable behaviour by one of the principal parties relates to the merits of the appeal. However an award may be made in favour of, or against, an interested party on procedural grounds, for example where an unnecessary adjournment of a hearing or inquiry is caused by unreasonable conduct. In cases dealt with by written representations, it is not envisaged that awards of costs involving interested parties will arise".*

4. This is a written representations case in which the application for costs is made by the applicant against an interested party in respect of the merits of the appeal. Paragraph 056 above is clear that I cannot make an award of costs to the claimant in these circumstances.
5. Therefore, while it is clear to me that some time and effort has gone into the preparation of the applicant's defence of the issues raised by the Parish Council, I cannot make an award of costs in their favour on the basis presented.

*Zoe Raygen* INSPECTOR

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