The Planning Inspectorate

Costs Decision

Hearing Held on 5 June 2019

Site visit made on 5 June 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Costs application in relation to Appeal Ref: APP/A2470/W/18/3211129 Lyndon Top Farm, Lyndon Road, Manton, LE15 8RN

- 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 Rutland County Council for a full award of costs against Mr Kerry.
- The hearing was in connection with an appeal against the refusal of planning permission for erection of a temporary rural workers dwelling and agricultural building.

Decision

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

The submissions for Rutland County Council

2. The Councils cost's application was made in writing.

Reasons

3. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

4. The basis of the application is that the appellant brought an appeal which had no reasonable prospect of succeeding due to non-compliance with the development plan and lack of evidence in support of the proposal, including evidence of intent to invest in the site.

5. There is dispute between the parties about the interpretation of policies in respect of need. However, it will be seen from my decision that I agree with the appellant, that there was sufficient evidence submitted to establish a functional need and that there is no conflict with the development plan in this respect.

6. It is also evident from my decision that I agree with the Council, that there was sufficient justification for refusing planning permission on grounds related to the harm to landscape alone. However, this decision is one which is a matter of judgement.

7. The National Planning Policy Framework points out that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion

enables better coordination between public and private resources and improved outcomes for the community. However, there is no obligation for the appellant to enter into such discussions and the Council are not bound to determine the application in accordance with such advice.

8. There is no certainty that planning permission would have been granted for the proposed development on land recently sold by the appellant and therefore this is of little relevance.

9. For the reasons given above, I cannot agree that the appellant has acted unreasonably in this case. As such there can be no question that the Council was not put to unnecessary or wasted expense.

Conclusion

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

Felicity Thompson

INSPECTOR