



Costs Decision

Site visit made on 30 July 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Costs application in relation to Appeal Ref: APP/A2470/W/19/3228759 Plot at Pickworth Road, Great Casterton, Stamford, Rutland PE9 4AU

- 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 Council for a full award of costs against Mr Andrew Woodhouse.
 - The appeal was against the refusal of planning permission for a proposed tourist bed & breakfast facility.
-

Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. This may occur when the development is clearly not in accordance with the Development Plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise.
4. The Council's application has been made on the basis that the appellant was fully aware that the development was contrary to the Development Plan as he had been informed as such in a pre-application enquiry. The appellant chose to pursue not only an application but an appeal. No material grounds were put forward for setting aside the Development Plan.
5. The appellant contends that the evidence supplied was a responsible challenge to the rigid interpretations of Council policies.
6. Whilst an up-to-date Development Plan is a very significant matter in making planning decisions, it is an acknowledged fact that conflict with a Development Plan does not necessarily restrict the granting of planning permission. The Courts have dealt with the primacy of the Development Plan, and the discretion of decision makers to make decisions other than in accordance with the Development Plan.
7. The appellant clearly believed that there was an arguable case for planning permission being granted, based on the Council's interpretation of the Development Plan. In such a situation, I can understand why a decision to appeal was taken.

8. I acknowledge that the appellant was seeking to obtain planning permission using the discretion as it is understood for decision makers to make determinations other than in accordance with a Development Plan.
9. Whilst I have dismissed the appeal, I consider the grounds of appeal to be credible and I do not consider that the appellant has acted unreasonably in this instance.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Cooper

INSPECTOR