
Costs Decision

Site visit made on 24 August 2020

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2020

Costs application in relation to Appeal Ref: APP/A2470/W/20/3254410 Stretton Lodge, Clipsham Road, Stretton LE15 7QS

- 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 & Mrs R Needham for a full award of costs against Rutland Council.
 - The appeal was against the refusal of planning permission for use of land as touring caravan site and for angling purposes, creation of fishing lake, formation of roads and hardstanding and erection of amenity block.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises 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. The applicants are seeking an award of costs in relation to the submission of the appeal as they consider that the Council has acted unreasonably in setting out a case in its Statement of Case which is different to that stated in its reason for refusal on the decision notice. In addition, they consider that the Council has prevented or delayed development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
4. The Council's reason for refusal No 1 on its decision notice refers to the provision of four holiday chalets and consequent conflict with Policy SP25 of the Rutland Local Plan Site Allocations and Policies Development Plan Document 2014 (the Local Plan) which concerns the provision of lodges, log cabins, chalets and similar forms of self-serviced holiday accommodation.
5. Its subsequent Statement of Case correctly refers to the provision of caravan pitches and conflict with Policy SP24 of the Local Plan regarding caravan and camping sites. Whilst this has different wording to the reason for refusal on the Council's decision notice, I am not convinced it is introducing a different reason for refusal in the substance of its meaning. The principles behind the reason remain, in that the Council consider the scheme is in an unsustainable location which is not physically well related to existing settlements and, due to the lack of genuine transport choice, would lead to the dependence on car based travel by

future occupants. Indeed, the Council confirm that the wording and reference to the wrong policy are a typographical error.

6. I appreciate that a decision once issued cannot be altered or changed and the appellant refers me to an appeal decision to this effect¹. However, that was in relation to an appeal against an enforcement notice and not similar to the circumstances before me now. However, the Council's application report clearly makes reference to the provision of caravan pitches and the application of Policy SP24 both within the evaluation section, and that regarding policies that apply to the planning proposal. While the erroneous description occurs in the conclusion, I am satisfied from reading the report as a whole that the Council considered the correct proposal against relevant policy.
7. The inclusion of the wrong details in the decision notice is unfortunate. However, even if I had found this to be unreasonable behaviour, from my reading of the application report the proposal would, in any case, have been refused consent based on the provision of caravan pitches. Furthermore, conflict with other policies is also alleged. Therefore, even if the correct wording had been used in the reason for refusal, the applicants would still have had to submit an appeal. Consequently, in relation to this aspect the error has not caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
8. Stretton Lodge comprises a large working farm which has diversified and has received planning permission for the creation of a number of fishing lakes, and the siting of eight holiday lodges according to the appellant. In addition, there is a 5 pitch CL (Certified Location) caravan site.
9. While there needs to be consistency in decision making, the proposal before me now, is for the provision of 24 caravan pitches and the creation of a further fishing lake together with an amenity block. As such it represents a considerable increase in the facilities, over and above those already on site and therefore could not be said to be similar, certainly in scale, to those already considered by the Council.
10. The applicants consider that the arguments engaged by the Council comprise, vague, generalised and inaccurate assertions about the proposals impact which are unsupported by objective analysis. However, although I have reached a different decision to the Council, there is sufficient information before me to enable me to understand the case made by the Council which considered the provision in the light of relevant policy as evidenced by the application report. Notwithstanding the errors referred to above, it produced a cogent report and statement of case which detailed the reasons for refusal. I am satisfied that it advanced a case that, in its opinion, indicated that the proposal was contrary to the development plan and the Framework. Consequently, the Council did not act unreasonably in this matter.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

Zoe Raygen

INSPECTOR

¹ APP/M2270/C/04/2000086/2000087