
Costs Decision

Site visit made on 24 November 2020

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Costs application in relation to Appeal Ref: APP/M2460/W/19/3241616 Green's Lodge Farm, Stygate Lane, Pickwell, Melton Mowbray, LE14 2QN.

- 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 and Mrs Simon and Sally-Anne Hazard for a full award of costs against Leicestershire County Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for an anaerobic digestion plant with associated infrastructure and an access road.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. However, 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. Although the local planning authority failed to determine the planning application within the prescribed period, the appellants have not demonstrated that this amounted to unreasonable behaviour. From the putative decision made by the Council, there is nothing to suggest that an appeal could have been avoided. Moreover, whilst the appellants have set out the cost of preparing the appeal, there is no substantive case alleging unnecessary or wasted expense.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David MH Rose

Inspector