



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 Leicestershire County Council for a full award of costs against Mr and Mrs Simon and Sally-Anne Hazard.
 - 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 appellants' statement of case is essentially a recital of events leading to the appeal, it was nonetheless reinforced by a compendium of specialist reports and a supporting statement prepared in connection with the application for planning permission. No further representations were made by the appellants during consideration of the appeal and the initial documents are therefore tantamount to *'full and detailed evidence to support their case'*.
4. There is nothing to suggest that the appellants, irrespective of counter-criticisms about lack of co-operation prior to the appeal, exercised their right of appeal in an unreasonable manner which has caused the local planning authority to incur unnecessary or wasted expense.
5. 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