



Costs Decision

Site visit made on 5 July 2022

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Costs application in relation to Appeal Ref: APP/W2465/W/21/3283919 Land within the South West part of the Leicestershire Golf Course off Evington Lane, Leicester LE5 6DJ

- 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 The Leicestershire Golf Club for a full award of costs against Leicester City Council.
 - The appeal was against the refusal of planning permission for a scheme of proposed drainage and landscaping works on land within the south west part of the Leicestershire Golf Course.
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Decision

1. The application is allowed in part in the terms set out below in the Formal Decision and Costs Order.

Reasons

2. The Planning Practice Guidance 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. In short, the Appellant argues that the LPA took too long, its objections were flawed, that it was pre-disposed against the application and that any objections could be overcome by the use of conditions.
4. I have found that, while the harm to biodiversity and archaeological remains (Reasons for Refusal Nos.1 & 2) would be relatively modest, they have been substantiated.
5. I acknowledge that the expectation of improvement in the flooding objection (No.3) went beyond any policy requirement and was not supported by evidence. This was unreasonable. Moreover, the Appellant commissioned a further Written Statement of Appeal and this was therefore an unnecessary expense.
6. In the case of the character and appearance reason for refusal (No.4), I have not been persuaded by this, but accept that there is a degree of judgement involved and, in any event, the Appellant understandably made few representations on this issue alone in its appeal statement and so any unnecessary expense was limited.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been partly demonstrated and that a partial award of costs is justified.

Formal Decision and Costs Order

8. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Leicester City Council shall pay to The Leicestershire Golf Club, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in commissioning a further flooding statement, such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Leicester City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

David Nicholson

INSPECTOR