The Planning Inspectorate

# Costs Decision

Site visit made on 22 March 2023

**by Peter White BA(Hons) MA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 APRIL 2023**

**Costs application in relation to Appeal Ref: APP/F2415/W/22/3298095**
**Land south of Kirby Agriculture Ltd, Leicester Road, Market Harborough**

- 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 Three Manors Developments Ltd for a partial award of costs against Harborough District Council.
- The appeal was against the refusal of the Council to grant planning permission for the proposed construction of workshop, offices and associated external works including new vehicular access for the relocation of Harborough Hire Centre Ltd.

## Decision

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

## Reasons

2. The Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. The applicant's case relates to the Council's highways reason for refusal only. It is that the Council adopted the advice of the Local Highway Authority without assessing the veracity of that advice. That had the Council properly exercised its responsibilities by doing so, it should have identified that the Local Highway Authority's advice was flawed. And that, it should not have been necessary to bring the matter of highway safety before the Secretary of State and, in doing so, the applicant has been forced to incur unnecessary expenditure.

4. The applicant's case relates to the substance of the matter at appeal, and in my appeal decision I have found that there were sufficient grounds for refusing planning permission on highway safety grounds. As a result, it follows that the Council has not acted unreasonably in imposing its highways reason for refusal. And consequently, the applicant has not incurred unnecessary expenditure in relation to this matter at appeal.

5. I therefore conclude that unreasonable behaviour, resulting in unnecessary expense during the appeal process, has not been demonstrated.

*Peter White*

INSPECTOR