



Costs Decision

Site visit made on 4 September 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Costs application in relation to Appeal A Ref: APP/T2405/C/22/3305853 and Appeal B Ref: APP/T2405/C/22/3305854

4 Green Lane, Countesthorpe, Leicestershire LE8 5QQ

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Michael Rowley (3305853) and Mr John Rowley (3305854) for a full award of costs against Blaby District Council.
 - The appeal was against an enforcement notice alleging without planning permission the unauthorised construction of a timber framed outbuilding ("the building"); decking; alterations to land levels and the installation of lawn edging timbers in the approximate position shown solid green on the attached plan.
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Decision

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

Reasons

2. Paragraph 030 of 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 PPG confirms that the aim of the costs regime is, amongst other things, to encourage all involved in the appeal process to behave in a reasonable way and follow good practice. Unreasonable behaviour can relate to procedural matters or substantive issues relating to the merits of the appeal.
4. The appellant reiterates arguments pertaining to the Caravan Sites and Control of Development Act 1960 (CSCDA60) and the Caravan Sites Act 1968 (CSA68) stating that the Council have not properly engaged with the statutory tests and were misguided over the interpretation of the 'construction' test as well as the fallback position of the Certificate of Proposed Lawful Development¹. These matters were covered in the Councils statement of case with the Councils position being defended with substantial evidence. As can be seen from my appeal decision, I found that grounds (a), (c) and (f) of the appeals had failed, concluding that the appeals were dismissed. The Council have not acted unreasonably in this regard.
5. The appellant argues that the Council relies on caselaw that is not relevant citing in particular the *Woolley*² case. Whilst the appellant may not find this judgement particularly relevant, it does discuss matters pertaining to section

¹ Local Planning Authority ref number: 20/1246/CLP

² The Queen on the application of Save Woolley Valley Action Group Ltd v Bath and North East Somerset Council v Golden Valley Paddocks Ltd, Secretary of State for Communities and Local Government [2012] EWHC 2161

55 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 which is of relevance to this appeal. The Council have therefore not acted unreasonably.

6. The appellant has engaged and co-operated during the process and there is no compelling evidence to suggest that there has been a lack of co-operation from the Council. There are claims that the Council pre-judged the development without considering a heritage impact assessment, nevertheless, the heritage concerns from the Council, including reference to relevant local and national planning policies, are detailed in the enforcement notice and the Council's statement of case.
7. For the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Chris Baxter

INSPECTOR