



Costs Decision

Site visit made on 31 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Costs application in relation to Appeal Ref: APP/K2420/W/23/3321728 Sheepy Parva Farm, Wellsborough Road, Sheepy Parva, Atherstone CV9 3RF

- 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 Miller for a full award of costs against Hinckley & Bosworth Borough Council.
 - The appeal was against the refusal of planning permission for erection of stable block, erection of new agricultural barn, change of use of land for the keeping of horses.
-

Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that the Council have failed to determine similar cases in a consistent manner, failed to assess the application on the basis of the submitted information and made vague, inaccurate assertions unsupported by objective analysis.
5. The Council have responded by demonstrating examples of applications where stables were involved, and the consistency demonstrated in those similar decisions, and the current application. With regard to submitted information, the Council are still not satisfied as to the level of information supplied, despite acknowledging the error with regard to the use of the stables and they have demonstrated clear analysis of the application before reaching a decision.
6. The Council's reason for refusal is complete, well founded and specific to the application. The reasoning was substantiated by the Council in its officer report and they were entitled to make a planning judgement based on the information in front of them to determine the application. I do not find the Council's approach to be unreasonable, nor have they unreasonably prevented or delayed the development.

7. I may not agree with the Council's interpretation, but it was not an unreasonable position for the Council to take on this application and was a reasonable planning judgement.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated by the Council. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR