



Costs Decision

Site visit made on 5 December 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Costs application in relation to Appeal Ref: APP/F2415/W/23/3324943 Eastlongs Farm, Mowsley Lane, Walton, Leicestershire LE17 5RE

- 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 Steve Kirk for a full award of costs against Harborough District Council.
 - The appeal was against the refusal of planning permission for a welfare unit for dairy farm.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on both procedural and substantive grounds.
3. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, and that the Council did not work positively and proactively with the applicant. The applicant asserts that the Council requested further information regarding the design, siting, and justification of the proposal, however the Council failed to inform the applicant that the information provided did not alleviate their concerns. Further, the applicant suggests that the justification provided for both the first¹ and second² applications on the appeal site were the same.
4. While I understand the applicant's frustrations, as they believed the information provided was sufficient to alleviate the Council's concerns, the evidence submitted does not indicate unreserved support by the Council. The Council sought to negotiate with the appellant in order to secure an acceptable scheme, however it determined that there was still insufficient justification and ongoing concerns regarding the design and siting.
5. Although much of the information justifying the proposal was submitted with the first planning application, the subsequent application provided more detail

¹ Application Reference: 22/01797/FUL

² Application Reference: 23/00665/FUL

as to the purpose of the welfare unit and how it would function as part of the wider farm. The report by the Council provides an analysis of the proposal giving clear reasoning for their decision, highlighting the development plan policies relevant at the time. Although I have reached a different decision to the Council with regards to design and siting, the Council's case is well made and cannot be considered unreasonable.

6. Therefore, unreasonable behaviour, as described in the PPG, resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Allen

INSPECTOR