



Costs Decision

Site visit made on 8 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 16.05.2024

Costs application in relation to Appeal Ref: Appeal Ref:

APP/A2470/W/24/3339373 Land at Back Lane, Ryhall, PE9

- 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 Shaun Alexander for a full award of costs against Rutland County Council.
- The appeal was against the refusal of planning permission for the erection of one detached dwelling.

Decision

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

Reasons

2. The National 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.
3. This application is made on both procedural and substantive grounds. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, by preventing development which should clearly be permitted, by making vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and by delaying information.
4. I understand the applicant's frustrations that communication regarding the Council's concerns was poor during the applications process and that the Council never viewed the submitted video evidence. However, the Council visited the site several times and the report by the Council provides an analysis of the proposal giving reasoning for their decision which, would not have been alleviated by the video evidence, and highlights the relevant development plan policies. Although I have reached an alternative decision to the Council, the Council's case cannot be considered unreasonable.
5. I note the dates shown on the delegated report and the decision notice, however the submitted timeline of events indicates that, although somewhat strained, the negotiations between the parties and consultees were ongoing. Further, the PPG makes it clear that costs cannot be claimed for the period of time during the determination of the planning application. After the appeal was lodged, the Council provided the required information in a timely manner which did not prolong the appeal proceedings.

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

K Allen

INSPECTOR