



## Costs Decision

Hearing held on 10 September 2024

Site visit made on 10 September 2024

**by A Hickey MA MRTPI**

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

**Decision date: 11 November 2024**

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### **Costs application in relation to Appeal Ref: APP/B3030/W/24/3337234 Land at Wood Lane, Kersall, NG22 0BJ**

- The award 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 appeal was made by Ms Anna Speir against the refusal of Newark & Sherwood District Council to grant planning permission for siting of park home/lodge for use as a rural worker's dwelling in connection with existing livery business.
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### **Decision**

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

### **The submissions for Newark & Sherwood District Council**

2. The costs application for a partial award of costs was submitted in writing at the hearing. The Council contends that the appellant submitted documents at a late stage, which necessitated additional work that required external consultant input, which resulted in wasted expense.

### **The response by Ms Anna Speir**

3. The response was made orally at the hearing. The respondent stated that the costs application was incorrect, as the appellant's substantive case could only be made at that time. Whilst late evidence was submitted in advance of the hearing, the respondent says this was necessary due to changes in how the equestrian enterprise operates. In particular, the types and history of horses kept on site had changed in the time between the application submission and the hearing date.

### **Reasons**

4. Parties in planning appeals normally meet their own expenses. However, 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.
5. Paragraph 052 of the PPG states that introducing fresh and substantial evidence at a late stage necessitating an adjournment or extra expense for preparatory work that would not otherwise have arisen may give rise to a procedural award of costs against the appellant.
6. At the hearing, both parties confirmed that the application subject to this appeal was delayed in being determined by the Council to allow for the submission of a Lawful Development Certificate (LDC), which was

subsequently granted. This confirmed the appeal site had a lawful use as a livery equestrian centre.

7. Based on the evidence presented within the appeal and the appellant's oral submission, I find that this late evidence is unlikely to have been able to be submitted at an earlier stage in the appeal process. This is because the equestrian business continued to operate whilst the planning application was held in abeyance for the LDC and during the appeal process. It is clear the types of liveries now taking place differ from those that took place when the application was first submitted and during the appeal process.
8. In the circumstances, it was reasonable for the appellant to submit these documents at a late stage, given the changes to liveries that occurred at the ongoing equestrian business centre. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*A Hickey*

INSPECTOR