



Costs Decision

Site visit made on 19 December 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 30th January 2025

Costs application in relation to Appeal Ref: APP/A2470/D/24/3340459

21 Main Street, Cottesmore, Rutland LE15 7DH

- 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 Mrs J Burgess for a full award of costs against Rutland County Council.
 - The appeal was against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
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Decision

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

Reasons

2. 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.
3. In broad terms, the applicant claims that the Council acted unreasonably as the Planning Committee refused the planning application against the recommendation for approval by its officer and the supporting findings submitted by the Highway Authority (HA) and the applicant's highway specialist.
4. While there were no objections raised by the HA regarding pedestrian and highway safety, objections were received from local residents and the planning application was considered by the Planning Committee. No evidence has been provided to show this approach was incorrect in considering the application.
5. In determining the planning application, the Planning Committee, as decision maker, are not bound to accept the recommendations of their officers and can overturn this recommendation if they decide otherwise. The minutes of the Planning Committee meeting shows the planning application was discussed and no evidence that the Members were not given the opportunity to read the Officer's Report or consider the applicant's submitted highway report¹ ahead of the meeting has been presented. Indeed, the applicant's agent also had an opportunity to speak at the meeting, allowing the chance for specific evidence to be highlighted and questions to be answered.
6. I appreciate the comments made regarding the inclusion of condition 6 in the original planning permission. However, notwithstanding this, it is clear from the

¹ 'Proposed Variation of Condition to allow for the provision of 4 parking spaces, 21 Main Street, Cottesmore, Applicant Miss J Burgess-Ray, Accompanying Highway Report' by Edwards & Edwards Consultancy Ltd dated September 2023.

HA's initial response, that it did not agree with removal of condition 6 at the start of the consultation as it recommended the proposal be refused. While the HA did reconsider this view following submission of additional information including the highway report, this was based on its technical assessment and planning judgement. As with the officer's recommendation, the Planning Committee were not bound to accept the HA's recommendation.

7. The applicant asserts that the Planning Committee considered irrelevant matters such as rights of way and legal boundaries in its deliberation. However, these matters are not identified specifically as issues in the minutes of the Planning Committee meeting or in the Refusal of Planning Permission notice. Furthermore, it is alleged that the Planning Committee decision was founded on local politics and ongoing legal disputes regarding the use of the access. However, no evidence to support either of these claims has been presented.
8. The minutes of the Planning Committee meeting and the Refusal of Planning Permission notice clearly detail the reason for the refusal. It is further clear that the proposal would increase vehicle movements at the appeal site and a degree of judgement is required in assessing the harm that could be caused to pedestrian and highway safety. While, as set out in my appeal decision, I do not agree with the Council's decision, there is nothing to suggest the Planning Committee did not appropriately consider the planning merits of the proposal. Nor is there anything to show the Planning Committee did not use reasonable planning judgement in its determination.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. An award of costs is therefore not justified.

J Symmons

INSPECTOR