
Costs Decision

Site visit made on 21 January 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Costs application in relation to Appeal Ref: APP/Y2430/W/24/3351446

The White Cottage, 11 South Street, Scalford, Leicestershire LE14 4DY

- 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 Cooper of FC Measom for a full award of costs against Melton Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of new-build replacement dwelling, and new-build garage/car port.
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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. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The advice given at pre-application stage is typically given 'without prejudice'. The Council's pre-application advice letter sets out that the letter represents the views of the Officer only and are not prejudicial to the views and determination of the Borough Council. The Officer identified the reports that they felt would be required to support the application. Based on the information before me, the Council determined that the content of the submitted evidence was not robust enough for it to address the reasoning given for the reports in the pre-application advice. This is not unreasonable as the Council could not have known the substance of those reports when giving the pre-application advice.
5. Whilst justification should be provided where a decision conflicts with advice, I am satisfied that the Officer's Report gave clear justification why the decision was made.
6. Furthermore, the financial viability information submitted with this appeal was limited in detail and the Council made a decision based on the limited information it had. Given the limited information provided, the Council did not make unreasonable assumptions, and arguments over the value of the property are matters that would

need to be dealt with in significantly more detail to warrant significant weight to be given to those figures. The comments on the condition of the building were related to this matter and were relevant when considering the need to demolish the dwelling.

7. Whilst the term 'off the shelf' is a vague and unhelpful term when undertaking a detailed assessment of the architectural quality of the scheme, the Officer's Report and Statement of Case did provide a detailed assessment of the proposed development and set out the Council's concerns with the scheme with regard to national and local planning policies.
8. The Council identified a concern with the availability of the materials that were proposed but this did not form a reason for refusal, it was rather a comment on the availability of the material.
9. The weight that is attributed to a consideration is a matter of planning judgement by the decision maker. The Council set out its reasoning behind the weight it attributed to the non-designated heritage asset, and this was based upon an objective analysis by the Heritage Officer and the Case Officer. In light of this, it did not act unreasonably in making its own judgement on the weight to be attributed to the non-designated heritage asset and the effect the proposal would have upon it and the Scalford Conservation Area.
10. In submitting an appeal following the Written Representation procedure in accordance with s319A of the Town and Country Planning Act 1990 (as amended) which they requested, the applicant should have been aware of the costs that would need to be undertaken to support their case, including the possibility that a rebuttal would be required. Whilst the Council may have failed to tick a box on the Appeal Questionnaire to confirm it would submit a Statement of Case, the written representation procedure nevertheless allows for this, and the prescribed timetable and process set out in the start letter was adhered to.
11. The comments from interested parties that were received with the Councils documents were separate PDFs for each comment received. It has not been shown that this caused particular difficulties that led to unnecessary or wasted expense. Even if the comments were contained within two PDF documents the time spent reviewing them is a normal part of the appeal process.
12. I appreciate that the applicant was disappointed with the Council's handling of the application, procedures and subsequent outcome. However, the Council's reasons for refusal were nevertheless clearly set out with reference to relevant development plan policies. The reasons for refusal were then explained in more detail in the Council's Officer's Report and Statement of Case. On balance, I consider it was sufficient to substantiate its case. I am therefore satisfied that the Council produced evidence to substantiate its reasons for refusal and did not make vague, generalised or inaccurate assertions about the proposal's impact. Furthermore, it did not prevent or delay development which should clearly be permitted.
13. Accordingly, the Council's behaviour and actions at the time of the planning application or during this appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense at the appeal stage. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Sibley

INSPECTOR