



Costs Decision

Site visit made on 18 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th April 2025

Costs application in relation to Appeal Ref: APP/K2420/W/24/3351678

21 Greenmoor Road, Burbage, Leicestershire LE10 2LS

- 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 Tracey Cleall for a full award of costs against Hinckley and Bosworth Borough Council.
 - The appeal was against the refusal of planning permission for development described as “outline application for the erection of a single dwelling with some matters reserved. Access and layout to be considered.”
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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 applicant contends that the Council should have allowed the planning application, despite accepting that paragraph 11d) of the National Planning Policy Framework was triggered.
4. The Council recognised that the site is within an identified settlement boundary, with no adverse impact on highway safety. However, it is evident from the Council's delegated report and its response to the appellant's statement of case, that it had regard to the character and appearance of the area in making its decision. This included the absence of properties within the rear gardens of the dwellings along this stretch of Greenmoor Road and the material differences between the appeal scheme and other nearby planning decisions.
5. Moreover, the applicant has contested that the application was not considered properly as the site does not represent a backland proposal. However, the glossary of the Council's Good Design Guide explains backland development as '*The development of sites at the back of existing development, such as back gardens*'. Therefore, the proposal accords with this description of backland development.
6. The Council has exercised a planning balance having regard to the adopted development plan and other material considerations, including paragraph 11 d) of the Framework. The Council also articulated its conclusion that the adverse impacts would significantly and demonstrably outweigh any potential benefits of the scheme.

Conclusion

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Barton

INSPECTOR