



Costs Decision

Site visit made on 15 April 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Costs application in relation to Appeal Ref: APP/A2470/W/24/3357365

Land on the East side of 9a London Road, Uppingham LE15 9TJ

- 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 Kris and Lisa Van Den Heuvel for a full award of costs against Rutland County Council.
 - The appeal was against the refusal of planning permission for the conversion of a stable building to one self-build dwelling.
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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. 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. The applicants cost claim asserts that the Council has behaved unreasonably by relying on the Highway Authority's unsubstantiated objection and requesting information that could be dealt with by condition, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
4. In terms of the planning application, which is subject of the appeal before me, the Council's Delegated Report provides an adequate assessment of the merits and concerns relating to the proposed development. This included an assessment of the planning history of the site¹, the Highway Authority's comments and the applicants Transport Statement. The reasons for refusal are specific to the proposal, are planning related and refer to local and national planning policy. The Council has further justified its reasons for refusal within their appeal Statement of Case.
5. The evidence indicates that the Council acknowledged that the turning area could have been dealt with by condition had they considered there was sufficient space within the appeal site to accommodate such an area. For the reasons outlined in the main Decision, following the submission of a revised plan², the Council's

¹ Planning application reference FUL/2000/0327/9/CC

² Drawing number 221126_004_Revision E

concerns in this regard were well founded and a condition would not have been appropriate in this instance.

6. The PPG advises that, where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs. Although I have reached an alternative decision to the Council with regard to the planning history of the appeal site, the Council's case is well made and cannot be considered unreasonable. The Council did not behave unreasonably in making their decision using their planning judgement, which was based on the information that they had, in accordance with the development plan and other material considerations which had been drawn to their attention.
7. For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs is refused.

S Pearce

INSPECTOR