



Costs Decision

Site visit undertaken 25 May 2025

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Costs application in relation to Appeal Ref: APP/F2415/W/24/3354605

Land Adjacent to Welham Lane, Great Bowden, Leicestershire LE16 7UX

- 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 Ms Annie Wareham against the decision of the District of Harborough.
 - The appeal was against a grant of planning permission subject to conditions for a dog Walking facility and associated parking, whereby the application proposed the removal of Condition No.7 which states 'Prior to first use of the development hereby permitted the full detailed design of the proposed off site highway works (access/ passing bay surfacing and verge works adjacent to the access) shall have been submitted and agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority. The approved scheme shall then be implemented in full before use of the development hereby permitted. Thereafter the access/ passing bay and verge shall be maintained in perpetuity.'
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Decision Costs Application:

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 Appellant has put forward two grounds for unreasonable behaviour which relate to the substantive elements of the appeal (relating to the issues arising from the merits of the appeal). I turn to the grounds below.
4. Ground 1 relates to the Council preventing/ delaying development which should clearly be permitted. There is no information before me that would demonstrate that the Council has behaved unreasonably in this respect. As noted in the appeal, the main policies listed in the reason for refusal were relevant to the determination made and were based upon subjective judgements where the Officer made their decision based upon the technical expertise of the Local Highways Authority (LHA). The Officer's report details considerations around the reasoning behind the LHA's comments and clearly gives weight to the use, proposed harms and mitigatory measures to enable the approval of the original planning application. It was not clear that the application should be permitted without Condition No.7 and that the delay caused by needing to submit details is proportionate and appropriate. Taking

the above into account, I do not consider that unreasonable behaviour in line with the PPG has been demonstrated in relation to this matter.

5. Ground 2 relates to the Appellant's opinion that the Council has failed to produce evidence to substantiate Condition No.7. The policies of the Development Plan are worded in that it is the Council that need to be convinced that the application is appropriate and that the documents that are submitted are to justify the development. The application did not contain any contrary information to the technical advice given by the LHA, which showed a pragmatic approach that sought to enable approval of the scheme and preventing excessive costs to the Appellant. The advice given by the LHA was by a qualified person that provided reliable and robust information regarding the development which informed the reasoning behind the placement of the Condition No.7 and the Council Officer agreed with this assessment. It was clear that the proposal led to harm towards highway safety, and that the harm was able to be mitigated by off-site works. The Council were fully justified in placing the condition of the permission based on the information and evidence presented to them. Taking the above into account, I do not consider that unreasonable behaviour in line with the PPG has been demonstrated in relation to this matter.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated in this costs application. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

J Somers

INSPECTOR