



Costs Decision

Site visit made on 2 June 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2025

Costs application in relation to Appeal Ref: APP/G2435/W/25/3360649 Land between 118 - 124 Battram Road, Ellistown, Coalville, Leicestershire LE67 1GB

- 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 Mr Michael Waring for a full award of costs against North West Leicestershire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of a 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 (the 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. This application essentially relies on a case that the Council has:
 - placed undue weight on the perceived conflict with the development plan;
 - failed to afford sufficient weight to the benefits of the proposed development; and
 - made the planning decision in an inconsistent manner, failing to have regard to relevant planning and appeal decisions.
4. In response to this, the Council maintains that the appeal proposal conflicts with its policies that restrict housing developments outside of settlements, with the planning balance and weight given to the benefits of self-build and custom-build housing clearly set out and based on an assessment of the proposal. Furthermore, the Council states that the determination of the application was consistent with other applications and appeal decisions.
5. In-line with the provisions of the National Planning Policy Framework (the Framework), the Council rightly considered the proposal against any relevant policies within the development plan as a starting point in the decision-making process, which in this case were those relating to spatial strategy, despite the absence of any policies relating to self-build and custom housebuilding.

6. My appeal decision confirms that I agree with the Council with regards to the proposed development's conflict with the development plan in relation to the spatial strategy policies.
7. The Council had due regard to the earlier planning decisions for development on previous developed land (PDL) within Battram. However, it was determined that those circumstances were different, and a decision was made with regards to whether the current appeal site constituted PDL based on the site-specific circumstances and the evidence provided.
8. The Council also had due regard to other appeal decisions and to the benefits of the proposed development, particularly in relation to self-build and custom-build housing, which is apparent from their officer report and statement of case.
9. The overall findings were not dissimilar to my own. However, I found that the harm arising from the proposed development did not significantly and demonstrably outweigh the benefits when undertaking a planning balancing exercise. However, the Council used planning judgement to determine otherwise, justifying this approach in their evidence, which does not amount to unreasonable behaviour.

Conclusion

10. I therefore conclude that unreasonable behaviour on substantive grounds resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

L Fern

INSPECTOR