
Costs Decision

Site visit made on 4 June 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th August 2025

Costs application in relation to Appeal Ref: APP/K2420/W/24/3355084

7 Springfield Road, Hinckley, Leicestershire LE10 1AN

- 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 Gillian Nicol of Coco's Cattery for a full award of costs against Hinckley and Bosworth Borough Council.
 - The appeal was against the refusal of planning permission for cattery is a wooden insulated building with double glazed windows and doors, with heating and air conditioning.
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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. Whilst the decision was made contrary to the Officer's recommendation at planning committee, this in itself is not unreasonable behaviour, so long as the reason for refusal was clearly set out in the decision notice.
5. The Council's Statement of Case provided detailed reasoning to support the decision and whilst this may have conflicted with its own Officer's recommendations and the conclusions of other professionals, so long as this is supported by objective analysis it is not unreasonable for the decision maker to do so. While great or considerable weight should generally be given to the views of statutory consultees¹, in this instance the committee did not depart from the views of the statutory consultee which was the Local Highway Authority in this instance.
6. Some of the committee members carried out a site visit and evidence was presented at the planning committee. It is reasonable for the Council to take into consideration evidence provided by interested parties and considering the actions of the committee members and the evidence before them, it is not evident that committee members based their decision exclusively on evidence from interested

¹ Shadwell Estates Ltd v Breckland District Council [2013] EWHC 12 (Admin)

parties. While differing views were taken to the conclusions of other professionals, cogent and compelling reasons were given in the submitted evidence. On balance, the committee members carried out an objective analysis of the elements of the proposal. The refusal reason was then substantiated with reference to relevant policy.

7. For the reasons set out in my Appeal Decision I disagreed with the Council on the planning merits of the scheme. However, the weight that is attributed to the material considerations is a matter of planning judgement by the decision maker which was the planning committee in this instance. This includes whether conditions could have been used to overcome objections, and the scale and nature of the scheme proposed.
8. While the appellant disagreed with the committee members conclusions on a number of matters, the members did not act unreasonably in making their own judgement on the weight to be given to these matters, including the evidence provided by the appellant and other interested parties. Taking into consideration the evidence that was before it when making its decision, the Council did not make vague, generalised or inaccurate assertions about the proposal's impact, substantiated its reason for refusal and it did not prevent development that should clearly have been permitted. As a result, it is not evident that the entire appeal could have been avoided.
9. The applicant was disappointed with the Council's handling of the application, procedures, and outcome. However, taking into consideration the submitted evidence, The Council's submissions were, on balance, sufficient to substantiate its case and its behaviours and actions at the time of the planning application and this appeal have not resulted in unreasonable behaviour or unnecessary and wasted expense at the appeal stage. As such, an award of costs is not justified in this instance.

G Sibley

INSPECTOR