
Costs Decision

Hearing held on 28 May 2025

Site visit made on 28 May 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

**Costs application in relation to Appeal Ref: APP/A2470/W/23/3323746
Land on North Side of Brooke Road, Brooke Road, Braunston-in-Rutland,
Oakham Easting (x) 483686 Northing (y) 306727**

- 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 and Mrs Brand for a partial award of costs against Braunston-in-Rutland Parish Council.
 - The appeal was against the non-determination within the specified time period by Rutland County Council of an application for up to 30 dwellings and associated infrastructure.
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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 where the unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The partial costs claim is made by the appellant against Braunston-in-Rutland Parish Council (the Parish Council). The applicant notes that the Parish Council were considered a main party in the consideration of the appeal.
3. An important facet of this appeal was the five year supply of housing land (5YRHLS) of Rutland County Council. The claimant has concerns over the Parish Council position with regard to the deliverability of housing sites and the methodology it employed to calculate the 5YRHLS.
4. The applicant suggests that the Parish Council has demonstrated unreasonable behaviour by a) Persistently including sites clearly not meeting the deliverability criteria, ignoring national planning policy requirements, b) Not providing any evidence to support its case, let alone "full and detailed evidence", c) Making inaccurate and misleading statements regarding the planning status of sites and d) adopting a fundamentally flawed and contradictory methodology that clearly inflates the housing land supply figures, requiring significant time and expense to address.
5. Whilst noting the Decision Letter which covers my position on the 5YRHLS issue, I cannot be certain that the Parish Council have behaved unreasonably, which would have to be the case to set the ground for any costs award.

6. The 5YRHLS position of the Council was only revealed shortly before the Hearing and this was unlikely to have helped the Parish Council in its own preparation or assessment. It is certainly the case that the methodology and sites to be accounted for within the 5YRHLS vary significantly between the Parish Council and the applicant. However, I am satisfied that the Parish Council was genuinely attempting to engage in the process and present the 5YRHLS position as it understood, although perhaps taking some information on face value where a fuller investigation into the circumstances of housing schemes within Rutland would have been beneficial.
7. The claimant has supplied a costs decision¹, where a costs award was made relating to issues around 5YRHLS. However, the comparability is limited as that claim was made against the District Council within the area in which that appeal was determined. The expectations to be placed upon a Parish Council in relation to an appeal dealt with via a Hearing with regard to such matters are not the same as would be the case of a Local Planning Authority who are likely to have access to their own experts on 5YRHLS. I afford it limited weight.
8. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

T Burnham

INSPECTOR

¹ Costs application in relation to Appeal Ref: APP/G2815/W/19/3232099.