



Costs Decision

Site visit made on 27 May 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Costs application in relation to Appeal Ref: APP/P3040/C/24/3337651 Riverside, Fairham Brook Lane, Bunny, Nottinghamshire, (459017E, 329132N)

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Rushcliffe Borough Council for a full award of costs against Dr Julita Geary.
 - The appeal was against an enforcement notice alleging the erection of a structure.
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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 lists examples of behaviour whereby an award of costs on substantive or procedural grounds may be justified. However, the list of examples should not be regarded as exhaustive. The arguments advanced on behalf of the parties were set out in their written submissions. As such, I need not repeat them in any detail here.
4. The applicant (Council) case in summary is that the appellant was unreasonable by:
 - (i) with regard to ground (e) making a false statement in response to the Council's planning contravention notice (PCN); and
 - (ii) with regard to ground (b)/(c) made false statements in relation to what had occurred in terms of the construction of the appeal structure.
5. In respect of 4(i) above, and as set out in detail in the related appeal Decision, I found the appellant's PCN response to be "ambiguous" with her later submitted appeal evidence. However, that is not the same as a finding that the appellant knowingly set out to deceive the Council. Moreover, since the appeal on ground (e) failed, the wasted expense the Council refer to has not occurred.
6. With regard to 4(ii) above, the Council's application substantially rehearses their appeal evidence as to what they say occurred. However, the Council did not provide any photographic or other clear evidence of a concrete base and the dismissal of the appeal on ground (b) regarding this matter was not based on such a conclusion. The conclusion that ground (b) should fail was made on the balance

of probability with the onus on the appellant to provide sufficient evidence that matters *had not occurred*. In failing to do so her appeal was dismissed only on that basis. Consequently, I am unable to find unreasonable behaviour with regard to this matter.

7. For these reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Thomas Shields

INSPECTOR