



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 Dr Julita Geary for a full award of costs against Rushcliffe Borough Council.
 - 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's case in summary is that the Council were unreasonable by:
 - (i) not carrying out due diligence by not serving a copy of the notice on a person (CEMA) with an interest in the land;
 - (ii) making factually incorrect substantive points in their submissions; and
 - (iii) submitting a costs application based on questionable and spurious arguments.
5. In respect of 4(i) above, for the reasons set out in detail in the related appeal Decision I have found that the Council did not act unreasonably.
6. With regard to 4(ii) above, the Council did not use land *ownership* to support its argument that the appeal development affected the setting of Bunny Hall. The connection to Bunny Hall was in respect of its physical position and historical relationship with Bunny Hall and its setting, as set out in the appeal Decision.
7. Neither the Council nor the appellant submitted adequately detailed and clear information relating to flood risk. However, as set out in the appeal Decision, this did not weigh against allowing the appeal. In my view, in the context of the appeal

as a whole, the appellant's response to the Council's submission did not add any excessive or unreasonable demand in addressing flood risk.

8. With regard to 4(iii) above, the Council issued the enforcement notice based in part on the appellant's responses in the planning contravention notice (PCN) questionnaire. I also found the PCN responses ambiguous with later written submissions. Therefore it was not unreasonable for the Council to point to perceived failures in completing the questionnaire in defending their position against the appeal made on ground (e).
9. 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