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## Costs Decision

Site visit made on 13 August 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> September 2025

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### **Costs application in relation to Appeal Ref: APP/F1040/W/25/3367818 The Paddocks, Cockshut Lane, Melbourne, Derby, Derbyshire DE73 8DG**

- 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 MAE Trading Ltd for a full award of costs against South Derbyshire District Council.
  - The appeal was against the refusal of outline planning permission for Demolition of Existing Buildings and Erection of 4 no. self build dwellings: The Stables, Cockshut Lane, Melbourne, Derbyshire DE73 8DG
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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. Unreasonable behaviour may be procedural (relating to the process) or substantive (relating to the merits of the decision). In this case, the application has been made on both procedural and substantive grounds. The applicant refers to the Council's alleged misapplication of planning policy, failure to engage with material considerations, inconsistent decision-making, and failure to substantiate the reason for refusal.
4. As set out in my accompanying appeal decision, the appeal has been dismissed following a full assessment of the main issue identified in the Council's decision notice, alongside a full consideration of relevant material considerations in the planning balance. The decision turned principally on matters of planning judgement, including the proposal's conflict with the spatial strategy of the development plan and the limited weight that could be afforded to the material considerations advanced by the applicant. These are matters on which reasonable planning authorities may differ, and the Council's decision was supported by relevant development plan policies and a reasoned assessment.
5. The applicant has expressed concerns about consistency in decision-making, particularly with reference to the Robinson Hill case. However, only limited information has been provided about that scheme, and without full details, I am unable to reach a definitive conclusion on whether the Council acted unreasonably. Although inconsistent decision-making may, in certain circumstances, amount to unreasonable behaviour under the PPG, each application must be assessed

against its individual considerations. In this case, the appeal proposal was considered against its specific planning context and found to conflict with the development plan. Similarly, the Robinson Hill application would have been assessed on its own merits and planning circumstances. As such, it is not possible to determine whether inconsistency has occurred, nor whether any such inconsistency has directly resulted in unnecessary or wasted expense in the appeal process.

6. The PPG is clear that it is not sufficient to demonstrate unreasonable behaviour alone. To justify an award of costs, such behaviour must also have caused the applicant to incur unnecessary or wasted expense in the appeal process. Given my findings on the substantive planning issues, a refusal was always likely, and the appeal process would have been a foreseeable outcome regardless of the specific reasoning employed by the Council.
7. In this context, I do not find that the Council has necessarily determined applications on an inconsistent basis, nor that any alleged inconsistency in decision-making has resulted in unnecessary or wasted expense in the appeal process.
8. As set out in my accompanying appeal decision, I am satisfied that the Council's decision was based on sound planning reasons and supported by relevant policy. I therefore do not find that the Council behaved unreasonably in a way that caused the applicant to incur unnecessary or wasted expense.

### **Conclusion**

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not warranted.

*P Storey*

INSPECTOR