
Costs Decision

Site visit made on 12 August 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Costs application in relation to Appeal Ref: APP/F1040/W/25/3359981 Rectory Farm, Chellaston Lane, Aston-on-Trent, Derbyshire DE72 2AX

- 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 Armett for a full award of costs against South Derbyshire District Council.
 - The appeal was against the refusal of planning permission for subdivision of an existing dwelling to 2 dwellings, conversion of four existing agricultural buildings to three dwellings, demolition of 2no. existing agricultural buildings and the erection of 5 new dwellings together with access improvements, car parking and landscaping.
-

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. This application relies on the case that the Council acted unreasonably substantively by: failing to give appropriate consideration to relevant and established case law leading to a flawed and unjustified reason for refusal; and failing to determine similar proposals in a consistent manner.
4. Contrary to the appellant's claims, the Council did reference the Mansell case in their officer report. In grappling with the merits of the case, the Council took the decision to attribute only limited weight to the fallback position forwarded by the appellant. They made a planning judgement in this case based on the information before them, which they are entitled to do.
5. Furthermore, the Council adequately explained their reasoning for concluding that the example case¹ was not comparable to the appellant's appeal proposal, which included the scale of the proposal and the associated reduced financial burden that the proposal would have been placed on the appellant.
6. In addition to considering the fallback position to be an unrealistic prospect, the Council was also of the view that the conversion of the modern agricultural buildings under the fallback position was not without merit in maintaining a link to the farmstead's growth over time. The Council therefore concluded that the appeal proposal would have had a greater impact on the character and appearance of the

¹ Council Ref DMPA/2022/0476.

area than the fallback position. In this regard, it is likely that an appeal would have been inevitable, regardless of the Council's stance concerning the likelihood of the fallback position being implemented.

7. For these reasons, I am satisfied that the Council acted reasonably in refusing the application. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

L Fern

INSPECTOR