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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: 23 September 2025**

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**Costs application in relation to Appeal Ref: APP/F1040/W/25/3362458**

**Land to south of Clifton Road**

**Grid Ref Easting: 428091; Grid Ref Northing: 312929**

- 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 Zile for a full award of costs against South Derbyshire District Council.
  - The appeal was against the refusal of planning permission for erection of 6 holiday lodges and a reception lodge.
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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 provides examples of substantive unreasonable behaviour, including failure to produce evidence to substantiate reasons for refusal, vague or generalised assertions unsupported by objective analysis, and inconsistent decision-making.
4. The application for an award of costs is made by the applicant on the grounds of alleged unreasonable behaviour by the Council in refusing planning permission for the development described above. The applicant contends that the Council failed to determine similar cases consistently, prevented or delayed development that should clearly have been permitted, and relied on vague or unsubstantiated assertions in its reason for refusal.
5. In this case, the Council's decision to refuse planning permission was based on a single reason: that the proposal did not constitute sustainable development due to its isolated location, lack of sustainable transport options, and conflict with Policy BNE5 of the South Derbyshire Local Plan Part 2, adopted 02 11 2017 (the LP2), and Policy INF10 of the South Derbyshire Local Plan Part 1, adopted 13 06 2016 (the LP1). While the Council's professional officers recommended approval, determination of planning applications by a planning committee is an established democratic process, and the committee was entitled to reach a different conclusion, provided that it was based on sound planning grounds and supported by evidence.

6. Importantly, the Council's committee report explicitly acknowledged that the planning considerations in this case were *finely balanced*. This indicates that the decision was not clear-cut and that the issues raised, particularly in relation to accessibility, sustainable transport, and the demonstration of need, required the exercise of planning judgement. The committee was entitled to weigh these matters differently from officers, and the accompanying appeal decision confirms that the concerns raised were legitimate and supported by the development plan.
7. The appeal decision found that the proposal would not be in a suitable location, having regard to the spatial strategy of the development plan and access to sustainable transport. It also concluded that the applicant had not provided compelling, site-specific evidence to demonstrate that identified tourism needs were not being met by existing facilities, as required by Policy INF10. These findings directly support the Council's reason for refusal and demonstrate that the decision was not based on vague or unsubstantiated assertions, but rather on a reasonable interpretation of adopted policy and the evidence presented.
8. With regard to the claim of inconsistent decision-making, the applicant referred to other tourism developments approved in rural locations. However, limited information was provided about the context or planning considerations of those cases. As noted in the appeal decision, each application must be assessed against its specific considerations, and the examples cited did not provide a compelling basis to conclude that the Council acted inconsistently or unreasonably in this case.
9. The Council's position was supported by relevant development plan policies, and the appeal decision confirms that the concerns raised were well-founded. The Council was therefore entitled to refuse the application and defend its decision at appeal.
10. In light of the above, I am not persuaded that the Council has behaved unreasonably or has caused the applicant to incur unnecessary or wasted expense in the appeal process. The reason for refusal was adequately substantiated, and the appeal decision supports the Council's position.

## **Conclusion**

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

*P Storey*

INSPECTOR