



Costs Decision

Site visit made on 9 September 2025

by A Robinson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Costs application in relation to Appeal Ref: APP/G2435/W/25/3367234

4 Hornbeam Close, Ravenstone, Leicestershire LE67 3RH

- 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 Mrs Judi Peatfield for a full award of costs against North West Leicestershire District Council.
 - The appeal was against the refusal of planning permission for a feather board fence and continuation of the knee rail.
-

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 Council claims a condition attached to the original planning permission for the housing development removes permitted development rights in respect of gates, fences, walls or other means of enclosure. Based on this, it is understandable why the Council initially advised planning permission was required. However, as set out in my appeal decision, it is not for me within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) to formally determine whether planning permission is required. The legality of the Council's opinion can be formally tested under sections 191 and 192 of the Act. Ultimately, a planning application was submitted to the Council who were duty bound to determine it. The documentation required to accompany the application is required to meet both statutory and national validation requirements. Obtaining separate advice from a solicitor was an independent choice made by the applicant. Overall, I find the Council's advice did not amount to unreasonable behaviour.
4. I appreciate the applicant is dissatisfied with the quality and timeliness of responses they received from the Council. I also sympathise with the applicant that they experienced a data breach and the personal effect this undoubtedly had on them. However, these are matters between the main parties to resolve through any relevant complaints procedures and I note the Council reported the data breach through its internal channels. Ultimately, these matters have not impacted the Council's planning reasons for refusing the application nor resulted in unnecessary expense at the appeal stage.

5. For the above reasons, I 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.

A Robinson

INSPECTOR