
Costs Decision

Site visit made on 5 November 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Costs application in relation to Appeal Ref: APP/T3725/W/25/3369598

115 Regent Street, Leamington Spa, Warwickshire CV32 4NU

- 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 Tarquin Murray-Holgate for a full award of costs against Warwick District Council.
 - The appeal was against the refusal of planning permission for “erection of 8 sq. m. timber cabin to the rear of 115 Regent Street (retrospective application)”.
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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. Local planning authorities are required to behave reasonably in relation to procedural matters, as well as the substance of the matter under appeal.
3. The applicant considers that the Council has acted unreasonably both procedurally and in respect of substantive matters and that this has forced him to incur professional fees in pursuing an appeal. It is his view that the planning application was poorly managed by the Council and that the Council failed to properly engage during the process. Also, that the decision to refuse the application was based on the particular view of one officer who had not undertaken a detailed site investigation and was unwilling to enter into discussion regarding the impracticality of creating an open lobby.
4. I acknowledge that the application took significantly longer to determine than 8 weeks. It is unfortunate that a system error led to a considerable delay, and I appreciate that this would cause frustration to the applicant. Nonetheless, the applicant had the opportunity to make an appeal for non-determination and chose not to, even after the Council had indicated that the application would be refused.
5. I have before me emails involving correspondence between the Council and the applicant's agent. These emails show the Council worked with the applicant's agent in a positive and proactive manner, providing feedback on the development and revisions to it, as well as suggestions on how it might be made acceptable.
6. Unfortunately, after some lengthy discussion, which included the amount of weight to be afforded to the pre-existing structure, the Council did not consider there to be

an approach which would have overcome its concerns regarding the effect of the development on the conservation area. In this case, therefore, I am of the view that an appeal could not have been avoided.

7. I appreciate that the outcome of the application will have been a disappointment to the applicant, particularly following an indication that there might be an acceptable scheme. However, the Council were not unreasonable in coming to its decision. Indeed, following consideration of the application on its own merits, I have concurred with the Council.
8. The Council is not bound to adopt the professional advice of its officers. The Decision Notice clearly sets out the Council's reason for refusal and the development plan policies the timber cabin would conflict with. This is substantiated by a detailed assessment within the Council's Officer Report, which directly addresses the professional advice provided by the Council's Conservation Officer.
9. The email correspondence shows that the Council's Planning Officer and Conservation Officer were willing to undertake a site visit of the existing internal lobby to support the written and photographic documentation that had been provided as part of the application. The applicant's concerns regarding the impracticality of creating an open lobby are set out in this email correspondence and therefore were known to the Council. Given this, it is unlikely that an open discussion on these matters would have negated the need for an appeal.
10. For the reasons set out above, I conclude that it has not been demonstrated that unreasonable behaviour has resulted in an appeal which would not have otherwise been necessary. Furthermore, there is no evidence of any unnecessary or wasted expense in the appeal process. Given this, and having regard to all other matters raised, an award of costs is therefore not justified.

Hannah Guest

INSPECTOR