
Costs Decision

Site visit made on 4 June 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Costs application in relation to Appeal Ref: APP/G2435/W/25/3358850 137 - 139 Church Lane, Whitwick, Coalville, Leicestershire LE67 5DP

- 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 Nick Harding and Mrs J Tudor for a full award of costs against North West Leicestershire District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the demolition of nos 137 and 139 Church Lane and the redevelopment of the site to provide 13 dwellings with associated works (outline, means of access, layout, and scale for approval).
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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 advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. Although the decision to defer the application was contrary to the officer's recommendation, this does not in itself constitute unreasonable behaviour, provided the reasons were supported by objective analysis.
5. On balance, the committee undertook an objective assessment of the aspects of the proposal that raised concern. The decision to defer was informed by members' experience and evidence presented by Ward Members. It is reasonable for committee members to rely on such information, provided they analyse it objectively. Considering the submitted material, including representations from interested parties, the request for deferral was not unreasonable. Furthermore, given the limited time between committee meetings, the proposed extension of time was adequately justified. Equally, the applicant's decision to decline the extension was not unreasonable, and it appears that a determination would have been made at a subsequent committee meeting based on the available evidence.

6. The committee minutes confirm that the deferment was agreed prior to detailed discussion of the application. Consequently, the application would have been reconsidered at a later meeting, where its merits would have been debated. This was reflected in the subsequent committee meeting held after the appeal against non-determination was lodged.
7. As set out in my Appeal Decision, I concluded that the development would not result in harm to highway safety, among other matters. However, the weight attributed to material considerations is a matter of planning judgment for the decision-maker, in this case, the committee. The Council did not act unreasonably in exercising its judgment on these matters, including consideration of evidence from the applicant and other parties. Nor did it prevent development that should clearly have been permitted. Notably, the committee did not refuse the application on highway safety grounds. It resolved that it would have approved the application had the appeal not been submitted. This demonstrates that advice from the Technical Briefing and statutory consultees was taken into account. The committee's resolution informed the Council's approach to its case before the Planning Inspectorate. Given that the Council resolved to approve the application, it was reasonable that its appeal submissions did not include additional highways-related work deemed unnecessary to make the development acceptable.
8. The reason for the deferment was not unreasonable and whilst the outcome of the January Planning Committee indicates that permission may have been granted based on the available evidence without the additional highways work, the appeal was submitted only one day before the proposed revised January committee date. With regard to the works undertaken at appeal the applicant could have waited until after the committee meeting to submit it at which point, if it had been refused, they would have known the matters that needed to be addressed. The applicant chose to submit the appeal before a decision was made, and it is not evident that the committee's actions in requesting the deferral caused unreasonable delay.
9. While the applicant raised concerns regarding the handling of the application, the Council did not make vague, generalised, or inaccurate assertions about the proposal's impact.
10. The applicant was disappointed with the Council's handling of the application, procedures, and outcome. However, its submissions were, on balance, sufficient to substantiate its case and its behaviours and actions at the time of the planning application and this appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense at the appeal stage.

G Sibley

INSPECTOR