



Costs Decision

Hearing held on 5 and 6 November 2025

Site visit made on 6 November 2025

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Costs application in relation to:

Appeal A Ref: APP/E3715/C/25/3367451; Appeal B Ref: APP/E3715/C/25/3367452;

Appeal C Ref: APP/E3715/C/25/3367453; Appeal D Ref: APP/E3715/C/25/3367454

Land at Fern Field, Oxford Road, Ryton-on-Dunsmore CV8 3EP

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Nicola Anne Parry and Mr Calum Holdback for a full or partial award of costs against Rugby Borough Council.
 - The appeals were against enforcement notices alleging the material change of use of land from equestrian to a Gypsy and Traveller site including the siting of caravans/mobile homes and associated/incidental structures and Importation of materials and their use for the formation of hardstanding and bunds; Engineering operations comprising the formation of bunds; Erection of gates; Construction of a wall and Erection of timber fencing.
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Decision

1. The application for an award of costs is refused.

The submissions for the appellants

2. The costs application was made orally at the Hearing.
3. It is argued the Council improperly prevented development from being granted planning permission, because it failed to consider various key points. The Council only accepted the appeal site comprised 'grey belt' land at the Hearing having, prior to this, failed to address relevant national policy and guidance. Furthermore, the appellants say the Council failed to properly assess whether the appeal site was in a sustainable location, having regard to the National Planning Policy Framework (the Framework), Policy DS2 of the Local Plan and the significance of paragraph 13 of the Planning Policy for traveller sites (PPTS).
4. Had they properly addressed the interaction of paragraph 155 of the Framework with paragraph 143 a, b and d, it is very likely planning permission would have been granted, on the basis of finding it to be appropriate development. Either way, it would at least have meant the duration of the Hearing would have been shortened.
5. The Council also raised other matters, namely highways, residential amenity, contamination, flooding and biodiversity that could have been dealt with by condition. This added extra time and cost to the Hearing.

The response by Rugby Borough Council

6. The response was made orally at the Hearing. The Council says it explained why it did not consider the development to be appropriate in the Green Belt, when having regard to paragraph 155(c) of the Framework. Whether or not the site is in a sustainable location, required consideration of a range of relevant factors. It was not inevitable that the appeal should be allowed.
7. The matters the appellants refer to as resolvable through conditions, did not form part of the Council's substantive case. Draft conditions were submitted for consideration. No time has been wasted in preparing or responding to evidence.

Reasons

8. 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.
9. The Council's written representations fail to demonstrate that it properly got to grips with the question of whether the appeal site comprised 'grey belt land', as defined in the Framework, and in accordance with guidance set out in the PPG. However, whilst the Council's position was only made clear from questions asked during the Hearing, this did not take up a significant amount of time at the event.
10. Furthermore, the Framework advises that in considering whether the development would be in a sustainable location, particular reference should be made to paragraph 13 of the PPTS. This does not mean regard should not also be had to relevant paragraphs in the Framework, namely Nos 110 and 115, which are concerned with limiting the need to travel and allowing for sustainable travel choices, and which remain an important material consideration.
11. Whilst I did not agree with its finding, the Council was still entitled, as a matter of fact and degree, to reach the view that the site was not in a sustainable location, and the proposed residential use was inappropriate development because of this. It follows that it was by no means inevitable that had the Council concluded earlier in the process the appeal site comprised grey belt land, it would have granted planning permission for the proposed residential use.
12. With regard to the other matters raised by the Council, establishing the Council's stance did not take up significant Hearing time. The matters were not cited within the Council's reasons for issuing the enforcement notices, thus strongly indicating they did not form part of the Council's substantive case. They also needed to be discussed in any event, as they were all matters of concern to third parties and, furthermore, in the context of appropriately worded conditions, should the appeal be allowed and planning permission granted.
13. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

R Merrett

INSPECTOR