



Costs Decision

Site visit made on 21 October 2025

by H Butcher BSc(Hons) MSc PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2026

Costs application in relation to Appeal Ref: APP/G2435/W/25/3370481 Land to the South-East of Remembrance Way DE74 2GB

- 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 Root Power (South) Ltd for a full award of costs against North West Leicestershire District Council.
 - The appeal was against the refusal of planning permission for a Battery Energy Storage System (BESS) and associated infrastructure.
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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 costs claim concerns two matters. The first is that the reason for refusal was unreasonable because it concerned a development that clearly should have been permitted and that the reason itself was unsubstantiated. The second issue concerns the behaviour of the members of the Planning Committee.
4. The Council provided a detailed reason for refusal and an appeal statement to support their position. Both were sufficiently accurate and detailed to provide a credible position. I therefore find no unreasonable behaviour in this regard.
5. Costs can only be awarded in relation to unnecessary or wasted expense at the appeal. Whilst behaviour at the time of the planning application can be taken into account, the concerns raised in respect of the Planning Committee do not change my finding that the Council's case as presented at appeal was fundamentally a reasonable position to take. This matter does not, therefore, amount to unreasonable behaviour on the part of the Council.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

H Butcher

INSPECTOR