



Costs Decision

Site visit made on 22 December 2025

by **S Hubbard BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2026

Costs application in relation to Appeal Ref: APP/A2470/W/25/3373786 Land off Braunston Road, Oakham LE15 6LY

- 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 Exeter Court 1 Limited for a partial award of costs against Rutland County Council.
 - The appeal was against the refusal of outline planning permission (with all matters reserved except access) for the construction of 5 no. self-build dwellings, access, car parking, landscaping and associated works
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant asserts that the Council failed to produce evidence to substantiate the reason for refusal in relation to highway safety. The applicant argues that no evidenced justification was provided to demonstrate why the proposed pedestrian visibility splays are not considered safe or appropriate.
4. The Council substantiate their reason for refusal by reference to established local practice which requires visibility splays to be measured from the back of the highway boundary. This established practice is not set down in policy or any publicly available guidance document. The Council have argued that the reason for splays to be set back from the highway boundary is to allow for footways to be widened in the future and to protect pedestrians who may walk on areas of verge to the back of the footway. However, the Council have only applied this argument generally and have not responded to the specifics of this case and the practicalities and the likelihood of the footway being widened in this location or the risk of pedestrians walking on the verge in the vicinity of the appeal site.
5. The Council submitted an internal draft document entitled 'Rutland Highways Development Control General Principles for Development' to accompany their appeal statement. The applicant would not have had the opportunity to consider this when the original planning application was being determined or when submitting their appeal. I note that the Council assert that the refusal reason was not solely on the basis of the emerging guide. I accept this element of Council's argument and there is no evidence in the officer report that the guidance was relied

- upon. As I have found in my appeal decision, notwithstanding the status of the document, any requirements in such a document would need to be considered in the context of the specific circumstances of the development proposed. The Council have not done this and have not substantiated the specific harm arising from the splays in this location in response to the evidence submitted by the applicant.
6. The applicant submitted a road safety audit to support the appeal and provide further justification for the approach to the splays. The Council did not consider the audit to be valid as the brief and CVs of the audit team was not submitted and signed off by the local highway authority. However, the brief and CVs of the audit team were submitted as part of the applicant's appeal statement. The Council did not provide any substantive evidence to suggest the brief was not suitable or that the findings of the road safety audit were not robust.
 7. Whilst the refusal reason was based on a matter of public interest and the applicant was made aware of the Council's concerns about the splays during the determination of the application, the Council failed to provide substantive evidence as to why the splays were unsafe in the specific circumstances of the proposed development in response to the evidence submitted by the applicant.
 8. The PPG advises that failure to produce evidence to substantiate a reason for refusal and generalised assertions about the impact of proposals which are unsupported by any objective analysis are examples of unreasonable behaviour. Given the above reasons, I conclude that the Council acted unreasonably with regard to the reason for refusal relating to highway safety. This unreasonable behaviour has resulted in unnecessary and wasted expense in terms of preparing for the appeal, drafting the appeal statement, commissioning further technical evidence and making further arguments at the final comments stage.
 9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has occurred in respect of the refusal reason relating to highway safety and a partial award of costs is therefore justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Rutland County Council shall pay to Exeter Court 1 Limited, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the second reason of the Council's reasons for refusal which concerned matters relating to highway safety; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Rutland County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Hubbard

INSPECTOR