



Costs Decision

Inquiry held on 17-20 and 26 March 2026

Site visit made on 16, 17 and 19 March 2026

by **H Butcher BSc(Hons) MSc PGDIP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Costs application in relation to Appeal Ref: APP/A2470/W/25/3375952

Land to the south-east of Brooke Road, Oakham, Rutland LE15 6HQ

- 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 Taylor Wimpey UK Limited for a full award of costs against Rutland County Council.
 - The appeal was against the refusal of planning permission for the erection of up to 140 dwellings, amenity space, provision of land for a school car park, areas for outdoor play, wildlife area, landscaping and all associated infrastructure.
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Decision

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

The submissions for Taylor Wimpey Limited

2. The costs application was submitted in writing. Additional points on behalf of Taylor Wimpey Limited were made orally and broadly followed the points made in the original submission.

The response by Rutland County Council

3. The response was made in writing.

Reasons

4. 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.
5. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications or by unreasonably defending appeals.
6. The only reason for refusal in this appeal was ostensibly because the development would have a severe impact on the highway network and an unacceptable impact on highway safety. Those are the words used in the reason for refusal, and they closely follow the high test set out in para 116 of the National Planning Policy Framework.
7. However, the Council's Highway witness, at best, as seen in his rebuttal, only found that the development "*could result in a severe residual cumulative impact on the*

highway network”, “...possibly leading to unacceptable delays and operational risks”. This is essentially back peddling from the Council’s reason for refusal.

8. The Council’s Highway expert failed to produce any separate assessment or data to contradict that of the appellant’s highway witness. More importantly, he did not visit the appeal site at key peak times, such as school drop-off and pick-up. This meant that his evidence was largely assertion and also led to crucial details, which should have informed his evidence, such as the existing highway dynamics along Brooke Road, being missed. This is not a respectable basis to substantiate a reason for refusal.
9. Even if the Council had deferred a determination on the application to obtain further advice, and an appeal against non-determination had been made, the situation would be the same; The Council would have needed to be clear that their assertions about the proposal’s impacts were supported by objective analysis. If, upon receipt of further advice, their position changed, then, as set out in the PPG, they would have needed to review their case promptly as part of sensible on-going case management.
10. I am therefore of the view that the Council failed to substantiate the reason for refusal in this appeal and furthermore provided vague, generalised and inaccurate assertions about the impact of the development. This amounts to unreasonable behaviour and has incurred unnecessary and wasted expense in the appeal process. These expenses include any costs associated with the preparation of the affordable housing proof and Mr Stacey’s attendance at the Inquiry, as the appellant was entitled, within the timeframe given, to present their case for the appeal in full.

Costs Order

11. 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 Taylor Wimpey UK Limited the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. 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.

H Butcher

INSPECTOR