



Costs Decision

Inquiry held on 28 October 2025, 10 to 13 March and 16 to 19 March 2026

Site visit made on 20 March 2026

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2026

Costs application in relation to Appeal Ref: APP/X1355/W/25/3368146

Land East of Edge Lane, Maiden Law, County Durham, DH7 0RY.

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Keep it Green for a partial award of costs against Durham County Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the installation and operation of a ground mounted photovoltaic (PV) solar energy generation system (solar farm), electrical substation and 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 Keep it Green

2. The costs application was submitted in writing.

The response by Durham County Council

3. The response was made in writing.

Reasons

4. Parties in planning appeals normally meet their own expenses. 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. The Inspector can only address the principle of whether costs should be awarded in full or in part, and not the amount; this is settled subsequently between the parties.
5. PPG indicates that a local planning authority (lpa) is required to behave reasonably in relation to procedural matters at the appeal. One example of unreasonable behaviour is a failure to notify the public of an inquiry, where this leads to the need for an adjournment.
6. The costs claimed by Keep it Green are, the abortive costs incurred as a result of the adjournment caused by the lpa's failure to discharge its procedural obligation to notify the public of the date, time and place of the inquiry.
7. SI 2000/1625 The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure (England) Rules 2000 provides for 2 notification letters to be sent out by the lpa (Rules 4(4)(b) and 10(5)). The first one notifies relevant parties about the submission of the appeal and the second confirms the

date, time and place of the inquiry. A press notice should also have been published.

8. On Friday 24 October, the lpa advised the Case Officer that the second letter of notification had not been sent, and a press notice had not been published. At the inquiry, the lpa accepted that to proceed would present a significant risk that any decision would be susceptible to judicial challenge. Following submissions from Keep it Green and the appellant, the inquiry was adjourned. The lpa acknowledges that its failure to meet the procedural requirements can be considered as procedurally unreasonable.
9. Whilst the inquiry dealt briefly with the appellant's request that the appeal be determined on the basis of mended plans, the sole reason for the adjournment was due to the procedural failure of the lpa to issue the second letter of notification. Whether the inquiry potentially needed to be adjourned at a later date due to time constraints, is irrelevant. Had it not been for the lpa's failure to comply with the Inquiry Procedure Rules, the inquiry would have proceeded.
10. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect the adjournment the inquiry and a partial award of costs is therefore warranted.

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 Durham County Council shall pay to Keep it Green, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the adjournment of the inquiry; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Durham 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.

George Baird

Inspector