



Costs Decision

Site visit made on 25 September 2025

by Guy Rigby LLB ACGI CEng FICE FCIHT

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Costs application in relation to Appeal Ref: APP/K2420/W/25/3367598

Land opposite Paddock View, Twycross Road, Sheepy Magna, CV9 3RT

- 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 Mr and Mrs G Pratt for a full award of costs against Hinckley and Bosworth Borough Council.
 - The appeal was against the refusal of planning permission for Proposed change of use of agricultural land to domestic garden.
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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 applicant's case is that the decision in the 12 Rodney Gardens appeal (PINS reference APP/K2420/W/23/3317828) should have been followed. However, this appeal dates from 13 October 2023 and the fact that there are other properties locally which have been allowed a change of use from agricultural land to domestic garden does not in itself justify granting consent for the proposed change of use at the appeal premises. Regard must be had to the individual merits of a proposal including compliance with the local development plan, and it is evident from the Council officer's delegated report and its response to the applicant's statement of case that the Council has had regard to the character of the surrounding area, the site context and the local development plan in reaching its decision. As I have set out in the main Decision, I consider that there are distinct differences between the Rodney Gardens appeal site and the appeal before me. I therefore find that the Council did not act unreasonably by taking the decision that it did, having regard to the Inspector's decision on 12 Rodney Gardens.
4. I also note that the applicant refers to the appeal decision in the Barwell case (PINS reference APP/K2420/W/24/3348387 Land East of The Common, Barwell, LE9 8BR) in support of its argument that both the Inspector's conclusions and the acknowledgement that the Core Strategy and policies are out of date because of the Council's five-year housing land supply (HLS) position are material considerations which were not considered by the Council at the time of determining the application. However, that application was for 95 dwellings whereas this application does not include any built form; furthermore it is clear that the Council's HLS position in the Barwell case was prepared solely for that application. I

therefore consider that the Barwell case is materially different from this case and that consequently the Council has had regard to all material considerations in its decision to refuse permission.

5. I have found in my appeal decision that the proposed development is not in accordance with development plan policies DM4 and DM10 and should therefore not be allowed. The Council has set out its reasoning for reaching its conclusion in determining the application, and on the evidence before me I see no reason to disagree. I consider that the Council did not act unreasonably in refusing permission.
6. I also note that the applicant argues that the Council has caused unnecessary delay and unwarranted costs by not imposing a condition on a grant of permission. However, as I have set out in my main decision, I am satisfied that such a condition would not be enforceable and would therefore not meet the statutory tests.

Conclusion

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Guy Rigby

INSPECTOR