

CLG Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Illustrative list of case types for which costs awards are available: paragraph 7 of the Circular

Note: this list is not intended to be exhaustive but covers most planning (and examples of other) case types. If you are unsure whether you can make an application for costs for your type of case you can contact our Customer Services Team on 0117 372 6372.

Case types under the Planning Acts

Unless otherwise stated, costs applications can be made irrespective of procedure

- Town and Country Planning Act 1990 [TCPA]
 - Planning (Listed Buildings and Conservation Areas) Act 1990 [P(LB&CA)A]
 - Planning (Hazardous Substances) Act 1990 [PHSA] and Regulations
1. Planning appeals under section 78 TCPA
 2. Planning applications referred to the Secretary of State under section 77 TCPA
 3. Enforcement appeals under section 174 TCPA
 4. Listed building enforcement appeals under section 39 P(LB&CA)A
 5. Lawful development certificate appeals under section 195 TCPA
 6. Advertisement appeals under 78 TCPA and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
 7. Tree preservation order appeals under section 78 TCPA and Regulations
 8. Tree replacement enforcement notice appeals under section 208 TCPA and Regulations
 9. Listed building consent appeals under section 20 P(LB&CA)A
 10. Listed building enforcement notice appeals under section 39 P(LB&CA)A
 11. Listed building consent applications referred to the Secretary of State under section 12 P(LB&CA)A
 12. Conservation area consent applications referred to the Secretary of State under section 74 (2)(a) P(LB&CA)A
 13. Conservation area consent appeals under section 74 (3) P(LB&CA)A
 14. Conservation area enforcement appeals under section 74 (3) P(LB&CA)A
 15. Purchase notices referred to the Secretary of State under sections 139 and 140 TCPA
 16. Listed building purchase notices referred to the Secretary of State under sections 33 and 34 P(LB&CA)A
 17. Orders under section 257 or 258 TCPA relating to public rights of ways affected by development (*Note: exceptionally, awards are available in these cases only if inquiry or hearing is held, as clarified in paragraph A4 and footnote 8 of the Circular*)
 18. Appeals under section 22 of, and Schedule 2 to, the Planning and Compensation Act 1991 against determination of conditions to be attached to a registered old mining permission
 19. Prohibition orders and orders (after suspension of winning and working of minerals or the depositing of mineral waste) for the protection of the environment, under Schedule 9 to the Town and Country Planning Act 1990, as amended by Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008
 20. Appeals under Section 96 of, and Schedules 13 and 14 to, the Environment Act 1995 against, respectively, an initial determination of conditions to be attached to a mineral site or the terms of a working rights notice accompanying an initial determination, and a periodic determination of conditions to be attached to a mining site

21. Appeals under section 106B TCPA in respect of planning obligations
22. *Orders under sections 97 and 98 of, and Schedule 5 to, TCPA, revoking or modifying a planning permission
23. *Orders under sections 23 and 24 P(LB&CA)A, revoking or modifying listed building consent
24. *Orders under sections 220 TCPA and Regulations revoking or modifying a grant of advertisement consent
25. *Discontinuance orders under sections 102 and 103 of, and Schedule 9 to, TCPA
26. Completion notices requiring confirmation by the Secretary of State under section 95 TCPA
27. Hazardous substances applications referred to the Secretary of State under section 20 PHSA and Regulations;
28. Hazardous substances consent appeals under section 21 PHSA and Regulations
29. Appeals under section 25 PHSA and Regulations against hazardous substances contravention notices
30. *Orders under section 14 and 15 PHSA and Regulations, revoking or modifying hazardous substances consent

*These cases are regarded as analogous to compulsory purchase orders and are covered by the policy guidance at Part E of the Circular.

Examples of case types under non-planning legislation

Awards are available only if inquiry or hearing held, except where stated otherwise

31. Appeals under section 18 Land Compensation Act 1961 (*Note: awards available only if inquiry held*)
32. Opposed definitive map orders under sections 53 and 54 Wildlife and Countryside Act 1981 relating to public rights of way
33. Opposed public path and rail crossing orders under sections 26, 118 to 119A Highways Act 1980 (as amended)
34. Applications referred under section 36 of the Electricity Act 1989 (*Note: awards available only if inquiry held*)
35. Appeals concerning integrated pollution control authorisations and waste management licenses under the Environmental Protection Act 1990, waste carrier licenses under the Control of Pollution (Amendment) Act 1989, and abstraction licenses and discharge consents under the Water Resources Act 1991;
36. Opposed compulsory purchase orders to which Part E of the Circular applies. [*Note: awards may also be made if the written representations procedure is followed*]