
Costs Decision

Site visit made on 28 February 2017

by Helen Heward BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th March 2017

**Costs application in relation to Appeal Ref: APP/Y2003/W/16/3161662
Treetops, 2 Nicolgate Lane, Brigg, North Lincolnshire DN20 8UE**

- 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 Mrs Melanie Glentworth for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for a development described as "to alter and subdivide an existing dwelling into two and to erect a new detached dwelling".
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may only 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 application for an award of costs and the response by the Council has been made in writing and will not be repeated here in detail.
 3. The appeal turned on a matter of character and appearance. This was a proper planning matter. In this case I found the Council's appeal submissions to be relevant, and to state their concerns about the proposed development briefly but succinctly. It was no part of the Council's case that the proposal would cause harm to the street scene and there were no objective criteria presented against which an assessment could be made of descriptions such as "cramped", "uncharacteristic" and "inadequate amenity space". But these factors did not mean that the Council could not make a decision based upon their judgement about the effects on the overall character and amenity of the area.
 4. The Council cited amenity space as evidence of how the layout would be cramped and not be in keeping with the character of the locality. The appellant, amongst other things, cited another case and other area as examples of more intense development. In the end it was a matter of judgement as to the weight to be given to the different perspectives. I find that the Council had reasonable grounds for taking the decision that they did and that the Council's actions did not unreasonably delay sustainable development that should have been permitted.
 5. The appellant refers to events that took place before the decision was made, including matters pertaining to the Council's scheme of delegation, how the
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application came to be determined by the committee, and the weight afforded to a third party. That the Council arrived at a different judgement to their planning officers is not itself evidence of unreasonable behaviour, nor do I find any evidence to say that the Council's decision was based solely upon the objection to the proposal by a third party. Overall I find no evidence to say how these matters caused unnecessary or wasted expense in the appeal process.

6. I have dealt with this application on its own merits and attach no weight to a report of the number of costs claims against the Council.
7. I conclude that the evidence does not demonstrate that the behaviour of the Council was unreasonable or that it caused the appellant to incur an unnecessary appeal or wasted expense at the appeal. Accordingly the application for costs is refused.

Helen Heward

PLANNING INSPECTOR