
Costs Decision

Site visit made on 11 April 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 4th May 2017

Costs application in relation to Appeal Ref: APP/D2510/W/17/3167374 Land off North Road, Trusthorpe, Mablethorpe, Lincolnshire

- 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 Rick Howell for a full award of costs against East Lindsey District Council.
 - The appeal was against the refusal of planning permission for the change of use of land for the siting of touring caravans consisting of 153 pitches, construction of vehicular and pedestrian access, car parking area and internal roadways in accordance with amended plans received by the Local Planning Authority on 5th February 2016, 19th May 2016 and 26th May 2016.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. The grounds for refusal were the harm that the proposal would cause to the character and appearance of the area and the living conditions of neighbouring occupants of the development in respect of noise and disturbance. My decision, which accompanies this costs decision, found the development would be acceptable and would not have any adverse impact.
 4. Council Officers recommended that planning permission be granted for the proposal, but the Council Members took a different course of action. The applicant contends that the Council has acted unreasonably in respect of a failure to produce evidence to substantiate each reason for refusal on appeal following the decision by the Planning Committee.
 5. In respect of landscape considerations, there was clearly disagreement between parties in respect of the contribution the appeal site made to overall landscape character. As part of the appeal, the Council produced a comprehensive response which set out their concerns on this matter and while I have found no harm, I do not consider that the Council failed to adequately justify and support their case. The matter of landscape character can be subjective in nature and I am satisfied that the Council's case was clear in this regard.
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6. In respect of living conditions, I acknowledge that the Council did not produce any specific technical evidence in respect, but I consider that the general site conditions as set out by the Council in their submissions were representative.
7. Thus, while they drew different conclusions to myself, given the scale and nature of the proposed development, as well as a number of representations being made on this matter, I do not consider that it was unreasonable for the Council to have refused the application on this basis. Moreover, while I note that the applicant sought to model the traffic flows associated with the development, this was only as part of the final comments submissions for the appeal, at a relatively late stage.

Conclusion

8. Overall I conclude that, while the appeal has succeeded, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

C Searson
INSPECTOR