
Costs Decisions

Site visit made on 18 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 18 May 2017

Costs application A in relation to Appeal Ref: APP/M2515/W/16/3167633 St Marks Retail Park, The Sidings, Lincoln LN6 7TP

- 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 City of Lincoln Council for a full award of costs against KB Recycling & Properties Ltd.
 - The appeal was against the refusal of planning permission for use of land for stationing of jack-leg mobile storage unit for use for receipt from the public of used clothing, shoes and clothing accessories for bulk re-sale or recycling.
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Costs application B in relation to Appeal Ref: APP/M2515/W/16/3167633 St Marks Retail Park, The Sidings, Lincoln LN6 7TP

- 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 KB Recycling & Properties Ltd for a full award of costs against City of Lincoln Council.
 - The appeal was against the refusal of planning permission for use of land for stationing of jack-leg mobile storage unit for use for receipt from the public of used clothing, shoes and clothing accessories for bulk re-sale or recycling.
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Decisions

1. Application A for an award of costs is refused.
2. Application B for an award of costs is refused.

Reasons

3. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

Application A

4. The Council alleges that the appellant has acted unreasonably by failing to adequately address the reason for refusal in their statement of case. It is alleged that the appellant has simply provided extracts from the National Planning Policy Framework (the Framework) and the development plan without any analysis which could justify allowing the appeal.
 5. I acknowledge that large sections of the appellant's statement are extracts from the Framework and the development plan. However, they are all relevant
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to the case. Furthermore, paragraph 4.9 of the appellant's statement provides brief reasoning as to why, in the appellant's view the development would accord with the development plan and the appeal should be allowed.

6. For these reasons, I find that the appellant has adequately addressed the reason for refusal. Thus unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

Application B

7. The appellant alleges that the Council has acted unreasonably by failing to adequately respond to the appellant's grounds of appeal. Furthermore, it is alleged that the Council's unreasonable costs application has led to further costs in preparing a rebuttal and counter costs application.
8. However, the Council submitted an appeal statement together with the case officer report for the planning application. In my view there is nothing of substance in the appellant's statement that is not adequately addressed by these documents. Furthermore, even though I have found that the appellant has not acted unreasonably, the Council have given clear reasons for seeking an award of costs in its costs application.
9. That said, for the reasons given I find the Council has acted reasonably by responding to the appellants grounds of appeal and in seeking an award of costs. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR