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## Costs Decision

Site visit made on 8 August 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: 18<sup>th</sup> August 2017**

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### **Costs application in relation to Appeal Ref: APP/D2510/W/17/3172719 Land at Station Road, Alford, LN13 9LH**

- 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 John Large for a full award of costs against East Lindsey District Council.
  - The appeal was against the refusal of planning permission for the erection of 1 No dwelling.
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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 applicant submits that the Council has acted unreasonably in refusing consent as they have been inconsistent in their assessment of local character. It is held that the Council was unable to substantiate its concerns regarding character and appearance and that it has led to the prevention of development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The main area of disagreement relates to the Council's assessment of the character of the appeal site and its relationship to the settlement of Alford and other adjacent outlying developments. While I found no conflict with the development plan policies which seek to protect the Area of Great Landscape Value and the countryside, I consider that in the Officer Report and the Decision Notice, the Council's concerns were well articulated concluding against the development plan and the National Planning Policy Framework (the Framework). The Council also substantiated their reasons for refusal as part of the appeal proceedings and have set out their case in respect of the adjacent crematorium and former Council depot.
5. Accordingly, in exercising their planning judgement, it is clear to me that the Council gave due account to national planning policy and the Council's own adopted policy in respect of the harm they identified. I am therefore satisfied that there was no unreasonable behaviour in this regard.

## **Conclusion**

6. Overall I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Therefore, no award is made.

*C Searson*  
INSPECTOR