



Costs Decision

Site visit made on 9 January 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2018

Costs application in relation to Appeal Ref: APP/Y2003/W/17/3180923 Land at Holgate Road, Scunthorpe DN16 1JB

- 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 Martin Phillips for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for development described as residential development of 16nr 1bed - 2person flats, arranged in 8 blocks each containing a ground floor flat and first floor flat. The proposals also include: the extension and joining of the existing footpaths along Holgate Road and Burghley Road; new vehicular access points; car parking and visitor parking; new boundary treatments; hard and soft landscaping proposals and external lighting.
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Decision

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

Reasons

2. Planning Practice Guidance indicates that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.¹
3. The applicant submits that the Council have acted unreasonably in refusing planning permission by not determining similar cases in a consistent manner.
4. The site is within Zone 2 of the Air Quality Management Area for Scunthorpe (AQMA). When the applicant undertook a spatial analysis of other residential planning applications within Zone 2, it is asserted that all of these had all been approved with conditions. It is also detailed that the consultation responses received from Environmental Health on those sites would have been applicable to the appeal site.
5. I have limited information regarding the other sites, save from the information presented by the applicant in their statement. Whilst it would appear that there are some inconsistencies with the advice provided by the Council's Environmental Health team, I do not know the individual circumstances of each case. Furthermore, most of the sites pointed out to me that have received planning permission appear to be a greater distance away from the air quality monitoring stations and Zone 1 of the AQMA than the appeal before me.

¹ PPG Reference ID: 16-028-20140306

6. Each application must be assessed upon its own merits and the Council's Committee Report provides a coherent appraisal of the proposal. This includes its assessment on the effect of air quality upon future residents. Therefore, despite other similar proposals in the area, I find that the Council exercised their duty to determine this planning application in a reasonable manner having regard to the particular merits of the case.
7. Consequently, for the reasons set out above, and having regard to all other matters raised, I find that the Council have not behaved unreasonably, leading to the appellant incurring unnecessary or wasted expense in the appeal process. As such, I conclude that the application for an award of costs is not justified.

Katie McDonald

INSPECTOR