



Costs Decision

Site visit made on 16 July 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Costs application in relation to Appeal Ref: APP/E2530/W/19/3227074 1 Harrowby Mill Lane, Grantham, Lincolnshire NG31 9EP

- 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 Manthorpe Construction for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for the erection of a detached garage.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may 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.
3. The planning application was recommended for planning permission by officers. The Council's Historic Buildings Advisor indicated that a garage in this location and of the design proposed would not harm the setting of the listed building. Furthermore, the officer's report stated that there would be no significant unacceptable adverse impact on the residential amenities of the occupiers of the adjacent properties.
4. It is entirely within the remit of Members to come to a different view from that of its professional officers. In these circumstances, the PPG states that an authority is expected to produce relevant evidence on appeal to support its decision. Although I have come to a different view on the merits of the proposal, it does not follow that unreasonable behaviour occurs. The Council's statement provides evidence on the purported harm to the character of the area and the setting of listed buildings. It indicates that the introduction of a large garage would be contrary to the character of the area which features strong building lines. On setting, it has detailed the relationship with the listed building when seen from Queen Elizabeth Park, including the consideration of topography.
5. The Council has used the term "perception of overlooking" but this is merely another way of describing overbearing relationship upon reading their statement of case. In any case, the applicant has provided no details of any wasted effort or expense in dealing with this matter. In respect of overbearing

relationship, the Council has again detailed the relationship of the garage in terms of size, topography and proximity to substantiate its reasons for refusal. For all these reasons, the Council has provided objective analysis to support its reasons for refusal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jonathon Parsons

INSPECTOR