
Costs Decisions

Site visit made on 6 August 2019

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Costs application in relation to Appeal Ref A: APP/B2002/W/19/3224248 North East corner of the junction of Stephen Crescent with St Luke's Grove, Humberston, North East 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 A. Mould and P. Burstall for a full award of costs against North East Lincolnshire Council.
 - The appeal was against the refusal of outline planning permission for the erection of a dwelling and garage.
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Costs application in relation to Appeal Ref B: APP/B2002/W/19/3224249 North West corner of the junction of Stephen Crescent with St Luke's Grove, Humberston, North East 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 appeal is made by A. Mould and P. Burstall against the decision of North East Lincolnshire Council.
 - The appeal was against the refusal of outline planning permission for the erection of 2 dwellings and garages.
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Decision

1. Appeal A : The application for an award of costs is refused.
2. Appeal B : The application for an award of costs is refused.

Reasons

3. Planning Practice Guidance 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.
4. The application essentially relies on the fact that the Council Officers recommended that planning permission be granted for the proposals, but that the Council Members took a different course of action without adequate reason to do so.
5. Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.

6. In this case I have noted the recommendations of the Council's Officers on both proposals. However, the decision on the main issue of character and appearance is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
7. The identical reason for turning down both of the proposals has been adequately substantiated in the Council's case. The reason for refusal as set out in the decision notices is complete, precise, specific and relevant to the applications. It clearly states the conflict with the policies of the North East Lincolnshire Local Plan.
8. With regards to the matter of wasted expense, the applicants' case did not involve any additional assessment over and above what they had carried out for the planning application submission, only a short rebuttal to the Council's statement. The applicants quickly and easily rebutted the Council's position without wasting expenditure.
9. It will be seen from my decisions that I have agreed with the applicants' case on the proposals for both sites. Although I find that the Council has not adequately substantiated the reason for refusal it has not caused unnecessary or wasted expense. Unreasonable behaviour has not been demonstrated and therefore no award of costs is made in either Appeal A or Appeal B.

S Hunt

Inspector