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## Costs Decision

Site visit made on 13 October 2020

**by Sarah Housden BA (Hons) BPI MRTPI**

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

**Decision date: 12 November 2020**

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### **Costs application in relation to Appeal Ref: APP/Z2505/W/20/3257037 Rear of Gunby House, Sibsey Road, Boston, Lincolnshire PE21 9QY**

- The application is made under the Town and Country Planning Act 1990, sections 174, 175(7) and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Ms Deborah Moore for a full award of costs against Boston Borough Council.
  - The appeal was against a refusal of planning permission for 'residential development to the rear of Gunby House (re-application of B/19/0307)'.
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### **Decision**

1. The application for a full award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (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 applicant's claim for an award of costs relates to procedural and substantive matters in relation to the determination of the planning application for the proposed development.
4. It is argued that the Council has failed to accept that the development of 66 dwellings at 'Boston Gate' to the south of the appeal site has affected the character of the area, despite being adjacent to the site. In support of this point, the appellant points to the lack of any reference to the Boston Gate development in either the officer report or the Council's statement of case for the appeal case. For clarification, there are two intervening properties, Nos 17 and 19 Sibsey Road between the appeal site and Boston Gate.
5. I was able to see the development at Boston Gate at my site visit and I have addressed its location in relation to the appeal site in my substantive decision on the appeal. In coming to its decision, the Council exercised its planning judgement, taking into account the context and circumstances of the appeal site and surrounding area. Whilst the Council did not specifically refer to that development in the officer report or its statement of case, that does not amount to unreasonable behaviour.
6. It is further questioned whether, given the absence of any reference to Boston Gate in the officer report and statement of case, the Council considered the revised Design and Access Statement accompanying the planning application

for the proposed development or visited the site. I have addressed the issue of the revised Design and Access Statement in my substantive decision. The Council contends that it did make a site visit and this is not a point on which I can make any further comments in the context of this costs appeal.

7. The appellant has challenged the use of delegated powers by the Council to process the planning application. However, this is a matter that must be resolved with the Council directly via a separate process and I note that this is underway. It does not amount to unreasonable behaviour by the Council in the context of this costs appeal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated and that a full award of costs is not justified.

*Sarah Housden*

INSPECTOR