The Planning Inspectorate

Costs Decision

Site visit made on 25 January 2021

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

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

Decision date: 4th March 2021

Costs application in relation to Appeal Ref: APP/R2520/W/20/3248608
Main Street, Norton Disney, Lincolnshire, LN6 9JU

- 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 Cole & Cole Properties Ltd for a full award of costs against North Kesteven District Council.
- The appeal was against the refusal to grant planning permission for the conversion of the existing stable block to form a single residential unit (3 bedroom).

Decision

1. The application for an 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 application was refused for two reasons. However, the appellant's case is solely concentrated on the Council's objections relating to the impact of the proposed development on the character and appearance of the area. The appellant alleges errors in the Council's assessment of the proposed development and the failure to give weight to a number of matters that favoured the appeal proposal.

4. The PPG advises that local planning authorities may be at risk of an award of costs if, amongst other things, they fail to produce evidence to substantiate each reason for refusal or make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.

5. Although I disagree with the Council and have allowed the appeal, the Council produced evidence to support its position. That being; national and local policy, the character, appearance and form of the village, its setting and previous appeal decisions.

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

Anthony Thickett

Inspector