
Costs Decision

Site visit made on 11 August 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Costs application in relation to Appeal Ref: APP/E2530/W/20/3251520 Land off Kettering Road, Stamford PE9 2JS

- 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 Simon Boon Homes Ltd for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for the erection of 3 detached, 2 semi-detached and 3 terraced houses together with site access, car parking and turning areas.
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Decision

1. The application for an award of costs is refused

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, 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 case relies on the fact that the Planning Committee refused the application contrary to the recommendation of the Planning Officers, but with the majority of the Members of the Committee abstaining from the vote. The applicant also considers that the decision was made based on prejudice about the type of housing proposed as well as ignoring the detailed assessments of the Officers and Conservation Officer. Furthermore, the applicant considers that the Committee failed to give appropriate weight to the previous appeal decision relating to the appeal site.
4. In relation to the first point that the decision of the Planning Committee did not reflect the recommendation of approval made by the professional Planning Officer, the Planning Committee are not bound to accept the officer recommendation. The Committee are entitled to come to a different decision where it is substantiated. In this case, the proposal was considered at two planning committees and a number of refusal reasons put forward.
5. I note that there were a number of abstentions and the decision was reached by a small proportion of the Committee. Nevertheless, the Council have advised that the Committee reached their decision following debate and having regard to the matters before them and there is no requirement that all Committee Members must vote on every application. I have been presented with limited evidence that the decision was reached on a prejudiced basis.

Furthermore, of the eventual reasons for refusal, these were matters which can be subjective and, whilst having regard to the recommendations of the officers and Conservation Officer, the Committee were entitled to reach a different decision.

6. From the information before me, it appears that the Planning Committee were aware of the previously approved application on the site and, whilst the initial reasons raised concerns about the type of occupiers of the development, the subsequent decision did rely on reasons which constitute material planning matters and the Council substantiated these within their appeal statement of case.
7. I accept that the officer recommendation and comments of the statutory consultees, including the Conservation Officer, were supportive of the scheme, however the Planning Committee have followed the procedure of hearing and debating the application and they are not bound to accept the officer recommendation. I therefore conclude that, for the reasons set out above, the Council have not acted unreasonably in this instance.
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.

R Norman

INSPECTOR