



---

## Costs Decision

Site visit made on 20 January 2021

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

**an Inspector appointed by the Secretary of State**

**Decision date: 12 March 2021**

---

### **Costs application in relation to Appeal Ref: APP/N2535/W/20/3256638 Red Hog Pastures, Main Street, Apley, Market Rasen LN8 5JQ**

- 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 West Lindsey District Council for a full award of costs against Mr Andy Judge.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission to erect 2 no. general purpose agricultural buildings and 2 no. silos'.
- 

### **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 substantive appeal in this case is against the non-determination of the planning application for the proposed development. It is argued by the Council that the appellant acted unreasonably by not providing any detail as to their Statement of Case when the appeal was submitted and that the appeal is baseless and amounts to a waste of Council resources.
4. The appeal form was dated 25 July 2020 and was accompanied by a short statement which stated that 'West Lindsey District Council failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval'.
5. The 'Procedural Guide Planning Appeals – England' makes clear at paragraph J.2.2 that it is the appellant's responsibility to ensure that, at the time the appeal is made, they are able to provide full disclosure of the details of their case and the arguments being put forward. Where the appeal is against non-determination, it must address the areas that the appellant considers most likely to comprise the local planning authority's objections to the development proposed.
6. Following the appointment of an Inspector to determine the appeal, on 12 November 2020 the case officer contacted the appellant to request a more detailed Statement of Case in order to meet the requirements in the Procedural

Guide. Following submission of the appellant's statement, the Council and third parties had an opportunity to respond.

7. Although a detailed Statement of Case was not identified as missing at the time the appeal was submitted and validated, once it became apparent, the appellant was notified and the situation was rectified in order that the appeal could proceed to be dealt with in a fair, open and impartial way. The appellant set out the grounds for the appeal clearly in the Statement of Case, with reference to the development plan and other material considerations. The appellant therefore provided sufficient evidence to support the appeal. Nevertheless, for the reasons set out in the Appeal Decision, I did not allow the appeal.
8. In short, the appellant's failure to provide a full Statement of Case at the start of the appeal process does not amount to unreasonable behaviour. All interested parties, including the Council, were invited to comment upon it following its submission. Nor has any unnecessary expense been incurred by the Council in responding to the Statement of Case at a later date, as it would have been necessary to respond to the appellant's grounds of appeal in any event.
9. 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