



Costs Decision

Site visit made on 12 January 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Costs application in relation to Appeal Ref: APP/Y2003/W/20/3261878 Land at Ings Road, Kirton in Lindsey.

(Grid Ref Easting: 493011; Grid Ref Northing: 398903)

- 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 The Strategic Land Group for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for outline planning application for residential development, open space and associated infrastructure (all matters reserved except for means of access).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (the Guidance) 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. With regards to the Council's first reason for refusal, this related to concerns on highway safety on Ings Road, including in relation to the width of the highway and an increase in vehicle movements.
4. However, the appellants have provided detailed professional evidence to demonstrate that the site can be safely accessed and that vehicular traffic generated by the proposal would not result in any severe impacts upon the surrounding network, subject to improvements which could be secured by condition. This evidence was accepted by the Council's highways consultee, as well as Planning Officers in the Committee Report recommending that the application should be granted planning permission.
5. I acknowledge that planning committee members are not bound by the recommendations made to them by officers and consultees of the Council. However, the consideration of highway safety and access are primarily a technical matter, and any departure from the advice of officers or consultees should be robustly justified. There is no evidence that the committee was able to rebut the appellant's highways evidence, and concerns expressed in relation to highways matters are primarily anecdotal. In submitting its statement of case, the Council has fallen far short of substantiating its reason for refusal on this issue.

6. In respect of the second reason for refusal, this refers to conflict with development plan policies regarding the defined development boundary and sustainability of location. The appeal site is located outside of the development boundary, and this should be given some weight when reaching a decision on the proposal.
7. However, the Council is unable to demonstrate a 5 year housing land supply, and the 'tilted balance' of paragraph 11(d) of the National Planning Policy Framework is engaged. There is no evidence from the Committee Minutes that Members undertook the required test regarding the presumption in favour of sustainable development when reaching their decision. Whilst the Council's statement of case makes reference to the weight given to policies and the tilted balance, this is only set out in general terms and does not represent a substantive consideration of the tilted balance required by paragraph 11(d).
8. Drawing the above together, the Council's decision is based on vague and generalised assertions about the proposal's impact which are unsupported by objective analysis. It has failed to provide robust evidence to substantiate its reasons for refusal. I have allowed the appeal, and in the light of the Council's decision and evidence submitted in respect of the appeal, the Council has prevented and delayed development which should clearly be permitted, having regard to the development plan, national policy and other material considerations.
9. I conclude that it was unreasonable of the Council to have refused planning permission for the reasons given, with the result that the appellants have directly incurred unnecessary and wasted expense in submitting their appeal. Having regard to the provisions of the Guidance, a full award of costs is therefore justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Lincolnshire Council shall pay to The Strategic Land Group, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to North Lincolnshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Cross

INSPECTOR