



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: 1 July 2021

Costs application in relation to Appeal Ref: APP/Y2003/W/20/3248764 Land to the east of Hunts Lane, Hibaldstow.

(Grid Ref Easting: 497896; Grid Ref Northing: 402948)

- 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 Johnson, Brown and Wright for a full award of costs against North Lincolnshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for outline planning application with all matters reserved for the erection of up to 100 dwellings with associated access improvements, public open space and LEAP.
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Decision

1. The application for an award of costs is refused.

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. The basis for the appellants claim for costs is that, during the course of the planning application, the Council expressed no concerns on the proposal other than matters relating to housing land supply. They submit that the Council has failed to exercise its duty to determine the planning application in a reasonable manner, including providing adequate information on its concerns as well as the likely timescale for receiving a decision. The appellants consider that the only hope of progressing the proposal was by submitting an appeal against non-determination.
4. The Council submits that the case officer who originally dealt with the application has left the Council, and there is no record of dialogue which took place with the appellants prior to the appeal being lodged. Reference has also been made to significantly high ongoing caseloads. However, whilst I acknowledge the challenges arising from changes in staff and caseloads, it is the Council's responsibility to ensure that adequate support and resources are available to progress planning applications appropriately, and in this instance it has failed to do this.
5. The Council also contends that the submission of the appeal removed the opportunity for the Council to present the application to a planning committee

meeting. However, even if there were outstanding consultation responses, there is no evidence that the appellants were kept informed of progress or a likely determination date following staff changes and the expiry of the statutory determination period. Based on the evidence before me, the appellants have provided the Council with ample opportunity to progress the planning application, and I consider that the appeal was not submitted prematurely. The Council's failure to reach a decision on the application and provide substantive and timely reasons for this represents unreasonable behaviour.

6. That said, the Council has indicated that it would have refused the application. Furthermore, having regard to my conclusions on the proposal, this has not led to an appeal which could otherwise have been avoided. On that basis, the appellants have not been put to unnecessary or wasted expense in progressing the appeal.
7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR