



Costs Decision

Site visit made on 14 March 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Costs application in relation to Appeal Ref: APP/Y2003/W/21/3288458 Briar Lodge, Silver Street, Barrow Upon Humber DN19 7DN

- 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 Mr James Pearson, Charworth Homes, for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and construction of seven new dwelling houses, including a new entrance, site access road and associated landscaping.
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Decision

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

Reasons

2. The application for an award of costs will be familiar to both parties. Consequently, I shall not repeat the submission in full within this decision. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.
3. The applicant seeks an award of costs on the basis that the Council has behaved unreasonably in refusing the application despite evidence being provided with the application, following the refusal of the previous application on similar grounds. They state that they were not given any opportunity to address any of the Council's concerns and were not advised that any additional information or amendments would be required to make the scheme acceptable. The applicant highlights that they instructed a professional planning consultant which has resulted in unnecessary extra expense.
4. The Council state that the site was subject to pre-application advice, and the applicant did not follow the advice provided. In addition, they highlight that they have tried to work with the applicant to obtain an acceptable development in a series of meetings and emails. The Council assert that they have not acted unreasonably, and it is simply a case that the parties disagree on whether the proposed development is acceptable on this site.
5. Based on the information presented, it is clear that the Council considered that the planning application did not overcome concerns set out in their pre-

application response, previous application, meetings and email correspondence. I am not convinced that additional dialogue would have been beneficial to the applicant and resulted in a different outcome.

6. The Council's delegated assessment and reasons for refusal were clear and sufficient evidence was submitted to support their stance. The application required an exercise of planning judgement and adequate evidence was submitted to show that the Council did not apply its judgement in an unreasonable manner. Having regard to guidance set out in the PPG, the Council has not behaved unreasonably in refusing the planning application.
7. For the reasons set out above I conclude that, the applicant has not shown that the Council's refusal of planning permission was unreasonable and that no wasted or unnecessary expense has been incurred by the applicant in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

L M Wilson

INSPECTOR