



Costs Decision

Site visit made on 26 January 2022

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Costs application in relation to Appeal Ref: APP/E2530/W/21/3274139 Land off Cherryholt Road, Stamford PE9 2EP

- 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 Longhurst Group & the Cecil Estate Family Trust for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for the erection of 31 affordable dwellings and associated works including access road and landscaping.
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Decision

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

Reasons

2. The *Planning Practice Guidance* advises that costs may be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The decision notice might not have given the full details of the Council's case, but that is not something such notices are intended to do. I found the reason for refusal was sufficient to mean the concerns of the Council were clear and apparent. To my mind such concerns rested on matters of judgement, relating not just to the scale of the harm but whether that was then outweighed by public benefits and other considerations. Whilst I have not found that the stated heritage concerns constituted a basis to dismiss the scheme, in my opinion the Council adequately articulated its case in relation to these matters and exercised its judgement in a suitable and appropriate way.
4. The second aspect of this costs application related to when, how and by whom that reason for refusal in the decision notice was drafted. It focussed on the relative involvements of the Councillors who objected to the scheme, the officers, and the practices and decision-making of the Planning Committee, as well as the issuing of the notice. That may or may not be a matter to be considered elsewhere, but to my mind it lies outside of the appeal process and so is not something that can have a bearing on this costs application.
5. Accordingly, I conclude it has not been shown the Council undertook unreasonable actions that gave rise to unnecessary or wasted expense. The application is therefore dismissed.

JP Sargent

INSPECTOR