
Costs Decisions

Site visit made on 26 April 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 May 2022

Costs application in relation to Appeal Ref: APP/E2530/W/21/3284050 Land to the south of 141 Stamford Street Grantham NG31 7BS.

- 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 Robert Spencer, Spencer Construction (Homes) Ltd. for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for the erection of three attached dwellings.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.
2. The Applicant submits that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and failed to substantiate the objection on the grounds of adverse effect on residential amenity as a consequence of having no on-site parking associated with the development.
3. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
6. Despite referencing another appeal where survey evidence had provided a clearer picture of parking pressures in that location, no such survey was undertaken at the appeal site. The Council relied upon limited evidence which did not meet the standards that could reasonably be expected in undertaking an objective analysis of the situation.
7. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other relevant

considerations, the development proposed should reasonably have been permitted.

Costs Order

8. 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 South Kesteven District Council shall pay to Mr Robert Spencer of Spencer Construction (Homes) Ltd. the costs of the appeal proceedings described in the heading of this decision.
9. The Applicant is now invited to submit to South Kesteven District 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. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Edwin Maund

INSPECTOR