



Costs Decision

Site visit made on 24 May 2022

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022

**Costs application in relation to Appeal Ref: APP/Y2003/W/3285771
Hall Farm, Middlegate Lane, Bonby DN20 0PJ (Easting 500447, Northing 416259)**

- 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 International Energy Crops Ltd for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for the erection of 4 poultry buildings together with associated feed bins, infrastructure and new highway access.
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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 that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council failed to properly consider the landscape and visual impacts of the proposal or accurately assess the Landscape and Visual Impact Assessment (LVIA) submitted, due to not requesting input from a qualified landscape architect and instead choosing to rely on internal officers. The applicant proposes that this has resulted in changes made to the proposal since the previous appeal, in terms of the reduced scale and the landscape scheme, not being properly taken into account during the application process.
4. The applicant also submits that the Council referred to comments made by the Planning Inspector in regard to the previous appeal, which related to a different proposal, and that, overall, the Council's behaviour resulted in unnecessary expense relating to the costs associated with the preparation of the LVIA and preparation and submission of the appeal application, Statement of Case and subsequent work.
5. Having had regard to the committee report, I consider that the Council provided robust explanation with regards to its concerns regarding landscape matters. I find that references to the previous proposal and the Inspector's comments are provided for context purposes, and that the report itself reads as a professional recommendation to the planning committee for refusal of the

application. I find that it contained sufficient information upon which the planning committee could make its judgement.

6. Overall, I do not consider that the Council failed to properly consider the information submitted with the application. It is clear to me that the Council, together with consultees, had reasonable concerns about the effect of the proposed development and, whilst I appreciate that the outcome of the application will have been a disappointment to the applicant, the Council were not unreasonable in coming to their decision. Indeed, following consideration of the details and merits of the scheme, I have concurred with the Council's assessment.
7. I therefore conclude that for the reasons set out, neither procedural nor substantive unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

ML Milliken

INSPECTOR