



Costs Decision

Site visit made on 5 July 2022

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Costs application in relation to Appeal Ref: APP/Y2003/W/22/3290073 The Red Lion, 45 High Street, Broughton DN20 0HY

- 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 Durable Systems Ltd for a full award of costs against North Lincolnshire Council
 - The appeal was in connection with the refusal of planning permission for the change of use to convenience store & extension to front elevation.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Council has made an emotional response to the planning application rather than a technical one and not listened to the professional advice of its officers by refusing the application for planning permission.
4. The decision to refuse the planning application was taken by Members of the Councils Planning Committee at its meeting on 15 December 2021 contrary to the recommendation made by its professional officers. Authorities are not bound to accept the recommendations of their officers but should not prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, or fail to produce evidence to substantiate each reason for refusal on appeal.
5. In this instance the Council relies on one reason for refusal, which clearly states clearly the alleged harm arising from the development and the relevant development plan policy which is in conflict. The reason relates to the effect of the development on the character and appearance of the area and the non-designated heritage asset the Red Lion.
6. The Council's case is expanded upon in its statement and it is adequate if brief. Furthermore, a large element of judgement is required in making a planning decision where the visual effect of the development is at issue. Indeed, on the basis of the evidence before me, I have found that the proposal would have a

harmful effect on the character and appearance of the area and the significance of heritage assets. Accordingly, it did not act unreasonably in relation to this reason for refusal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

Zoe Raygen

INSPECTOR