The Planning Inspectorate

Costs Decision

Site visit made on 4 January 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Costs application in relation to Appeal Ref: APP/R2520/W/22/3304328/ 21 Eastgate, Heckington, Sleaford NG34 9RB

- 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 Keith Atkinson for a full award of costs against North Kesteven District Council.
- The appeal was against the refusal of planning permission for new bungalow including parking spaces for the existing bungalow at 21 Eastgate Heckington.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Paragraph 049[1] of the PPG gives examples of unreasonable behaviour by the Council which could give rise to a substantive award of costs. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

4. The applicant considers that the Council has behaved unreasonably by failing to understand local and national policy, failing to understand and have regard to material considerations, not meeting to view the cleared site and failing to understand the effects of the proposed development. The Council contends that their decision was fully reasoned and based on the application of policy.

5. While I did not agree with all of the Council's conclusions, their report and appeal statement were thorough and demonstrated a clear understanding of the site, the surrounding context and the proposed development. The relevant material considerations were taken into account and a reasonable exercise of planning judgement was demonstrated in the conclusions reached. The reasons for refusal were specific, relevant to the application and related to the relevant policies in the development plan.

[1] Appeals: Paragraph: 049 Reference ID: 16-049-20140306 Revision date: 06 03 2014

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Downs

INSPECTOR