
Costs Decision

Site visit made on 22 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Costs application in relation to Appeal Ref: APP/D2510/W/22/3297250 Hollywood, Main Road, Stickney PE22 8AG

- 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 Albert Cozens for a full award of costs against East Lindsey District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an outline application for residential development.
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Decision

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

Reasons

2. The Planning Practice Guidance¹ (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. The application for costs is based on failures by the Council which led to a decision not being issued within the statutory time period and no extension of that time period being requested.
4. The PPG states that, if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation².
5. The Council has submitted a copy of an email sent to the agent which explained why a decision had not been reached, and their concerns with regard to the merits of the application. This confirmed that officers were unable to support the proposal. While this occurred after the expiration of the statutory time limit, it was a week later which is a short time and as such I consider that this did not constitute unreasonable behaviour.
6. The Council's reason for not determining the application was sustained workload pressures. There is no evidence before me that this is not the case, and, while frustrating for the applicant, does not in my view constitute unreasonable behaviour.

¹ Appeals: Advice on planning appeals and the award costs

² Paragraph: 048 Reference ID: 16-048-20140306, Revision date: 06 03 2014

7. The Council, in its email, set out the reasons for which it would not have supported the proposal. While I did not agree with those concerns, they were nonetheless legitimate matters for the exercise of planning judgement. I therefore consider that the costs of an appeal would not have been avoided had the Council determined the application.

Conclusion

8. For the reasons set out above, I conclude that no wasted or unnecessary expense has been incurred by the applicant in the appeal process and therefore the application for an award of costs should be refused.

J Downs

INSPECTOR