



Costs Decision

Site visit made on 16 February 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2023

Costs application in relation to Appeal Ref: APP/E2530/D/22/3311938 Byre Cottage, Village Street, Oasby NG32 3NA

- 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 Job Winfield for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for alterations and extensions.
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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 who has behaved unreasonably and thereby caused the other party applying for costs to incur unnecessary or wasted expense in the appeal process. Awards against local planning authorities may be either procedural relating to the appeal process or substantive, relating to the planning merits of the appeal. The applicant is seeking a full award of costs on procedural and substantive grounds.
3. The applicant draws attention to the fact that the Council decision went against officer advice and that it was irrational and without evidence. Although the Council's case officer recommended approval of the planning application they were not the ultimate decision maker as recommendations are not binding upon the Council until the point at which a formal decision is issued. It does not necessarily follow that a Council officer's recommendation would be the ultimate decision of the Council. As such, there should not have been any expectation that planning permission would be granted.
4. In its final decision the Council was of the view that the application should be refused. It is a decision with which I do not concur. However, in the Decision notice the Council provided reasoning for the refusal of the application and reference was made to relevant development plan policies to substantiate their decision. This includes Rutland County Council's Extensions to Dwellings Supplementary Planning Document which the Council has demonstrated has been adopted by the Council and therefore legitimately forms a material consideration in the decision making process. Whilst reference in the Decision was made to matters not included in a previous refusal the Council were open

to do this given that there were changes to the design of the scheme. The Council explained why they thought the decision was justified.

5. The applicant has raised issue with the time taken between the Planning Committee making the decision on the planning application and the decision being issued. However, the Council has explained that the delay was caused while potential procedural issues relating to the decision making process were investigated. This was not unreasonable given that the applicant agreed to an extension of time.
6. The applicant has questioned the consistency in decision making with reference to another application in the settlement. However, from the information before me it does not appear that the 2 schemes are directly comparable in terms of the nature of the development proposed or the location. In any event, each case is determined on its own merits and the specifics of the case.

Conclusion

7. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated and therefore the application for an award of costs is dismissed.

K Ford

INSPECTOR