



Costs Decision

Site visit made on 16 May 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 08 June 2023

Costs application in relation to Appeal Ref: APP/E2530/W/22/3313843 28 Exeter Gardens, Stamford, Lincolnshire, PE9 2RN

- 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 J West & Miss O Landin for a full award of costs against Kesteven South Kesteven District Council.
 - The appeal was against the refusal of planning permission for proposed replacement dwelling, including demolition of existing dwelling and revised vehicular access.
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Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellants consider that the Council acted unreasonably in failing to engage fully in negotiations during the application process, resulting in the expense of amending the application and an unnecessary appeal, together with increased costs resulting from changes to materials costs and potential future housing values.
4. Following the initial assessment of the proposal, the Council requested that the appellants withdraw their application and re-submit a different scheme, taking onboard the Council's advice in regard to the scheme and what the Council considered to be fundamental principles of design. The appellant, instead, agreed an extension of time with the Council, so that a revised scheme could be submitted.
5. A revised scheme was subsequently submitted, which the Council considered that there were the same fundamental issues with the design as previously. Whilst the full extent of the agreed extension of time had not yet expired the Council considered that these could not be addressed without materially changing the scheme. The Council then determined the scheme.
6. The National Planning Policy Framework identifies, in paragraph 38, that local planning authorities should approach decisions on proposed development in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area.

7. However, Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Order) requires Local Planning Authorities to determine planning applications in line with statutory timescales.
8. As the Council had identified certain fundamental issues that it considered could not be resolved by further revision without fundamental changes to the scheme design it was reasonable to determine the application on the basis of the revised plans without further delay, and in accordance with the timescales set out in the Order.
9. The appellant has tested the Council's decision through the appeal process, rather than preparing an alternative scheme. However, it will be seen from my decision that I was satisfied that the Council had substantiated its reason for refusing the application, due to the building's harmful effect on the character and appearance of the site and the surrounding area. The appellant has therefore not incurred unnecessary or wasted expense in so doing.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

I A Dyer

INSPECTOR