The Planning Inspectorate

Costs Decision

Site visit made on 22 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2023

Costs application in relation to Appeal Ref: APP/Y2003/W/22/3313825
176 Ashby Road, Scunthorpe, North Lincolnshire DN16 2AP

- 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 Shah Ali of Adam Corp for a full award of costs against North Lincolnshire Council.
- The appeal was against the refusal of planning permission for amendments from previous planning application – proposed redevelopment of the building which is now to include new house entrance, glass extension to the first floor side, new roof terrace / balconies to 1st and 2nd floor, raised proposed dormer heights and new rear door.

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 costs application is made on the grounds that the Council acted unreasonably and incurred unnecessary costs in the appeal process due to the submitted scheme being similar to another approved proposal (Ref: PA/2021/1096).

4. The proposal subject to the appeal is clearly different from that previously approved although is does include a number of elements that are the same. The refusal is based on the differences between the two applications and I do not find anything unreasonable about the Council finding that those additional elements are unacceptable. Hence the refused application.

5. The applicant has exercised his rights to appeal that decision and even though I have dismissed the appeal, I have no evidence that lodging the appeal has incurred unnecessary or wasted costs.

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

J D Clark

INSPECTOR