



Costs Decision

Site visit made on 11 July 2023

by P J G Ware BSc(Hons) DipTP MRTPI

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

Decision date: 18 October 2023

Costs application in relation to Appeal Ref: APP/Y2003/W/23/3315141 32, The Old Cottage, Church Street, Elsham DN20 0RG

- 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 Ms Jane Leach for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for the erection of one detached dwelling with a detached double garage.
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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 applicant states that the Council relied on vague, generalised and inaccurate statements, and has delayed development which should have been clearly been permitted. In particular the fact that the Council placed reliance on a study dating from 2019 was stated to be unreasonable and illustrated the fact that the Council had not taken account of recent development in the area.
4. As can be seen from my decision on the merits of the case, I found that the conflict with the development plan, in terms of sustainability and the settlement boundary, was a matter on considerable weight. I appreciate that some of the source material referenced by the Council may not be entirely up to date, but equally other documents are more recent. I have taken due account of all the material and the evidence of the parties.
5. The publication by the Council of a housing land supply paper well into the appeal process was described as 'bushwacking' by the appellant, and was regarded as unfair. However, although late in the process, it was clearly a material consideration and the Council were right to notify the appellant and myself. The appellant also questioned the manner in which the paper was adopted, but I have no evidence on this..
6. The appellant states that a new weekday bus service, which apparently started in May 2023, has changed the accessibility position, and criticises the Council for not referring to it. But equally the appellant only referenced it in their costs

claim and not in evidence on the s78 appeal. I have however taken it into account.

7. Overall, as set out in the s78 decision, I find that the Council's reason for refusal was soundly based. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P. J. G. Ware
Inspector