



Costs Decision

Site visit made on 12 March 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.04.2024

Costs application in relation to Appeal Ref: APP/D2510/W/23/3325224 Land south of Middlesykes Lane, Grimoldby, Louth, Lincolnshire LN11 8TE

- 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 Nigel Peart for a full award of costs against East Lindsey District Council.
- The appeal was against the refusal of planning permission for proposed dwelling, stables and block and manege. Solar panels to feature on roof of dwelling. Proposed 2no. ponds.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance¹ (PPG) 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 PPG gives examples of unreasonable behaviour by the Council which could give rise to a substantive award of costs². These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant considers the reason for refusal was mainly based around landscape character and was not supported by any objective analysis. The Council rebuts this, identifying that its concerns related to the effect of the proposed development on the core shape and form of the village, its character and the enjoyment of the public right of way for users.
5. There is a clear distinction between the localised impacts that Policy SP3 requires to be considered and the greater scale of the landscape considerations that Policy SP23 addresses. The Council's officer report clearly appraises the proposed development against the criteria of Policy S3. This is the only policy cited in the reason for refusal. The officer report does not refer to Policy SP23 or assess the proposal in a way that could be construed as an appraisal against the criteria set out in Policy SP23. Nor was there any reason for them to do so.

¹ Appeals: Advice on planning appeals and the award costs

² Appeals: Paragraph: 049 Reference ID: 16-049-20140306 Revision date: 06 03 2014

As such, there was no reason for the Council to specifically refer to the Landscape Character Assessment.

6. While I did not agree with all of the Council's conclusions, the reason for refusal was specific, relevant to the application and related to the relevant policy in the development plan. Their report and appeal statement expanded on this and demonstrated a reasonable exercise of planning judgement.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Downs

INSPECTOR