



Costs Decision

Site visit made on 18 June 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Costs application in relation to Appeal Ref: APP/D2510/W/23/3330628 Misty Meadow Holiday Park, Hanby Lane, Welton le Marsh, Lincolnshire, PE23 5TH

- 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 A E Hewison Limited for a full award of costs against East Lindsey District Council.
 - The appeal was against the refusal of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for Planning Permission - Change of use of land for the siting of 18 no. static caravans (increase of 6 from that approved under N/199/02050/18), minor alterations to the pond and internal road, provision of bin storage area, erection of pumphouse and water storage tank and CCTV columns (works already started).
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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 Guidance (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 substantive grounds relate to the Council's failure to produce evidence to support its reason for refusal and failing to determine the application in a consistent manner to other similar cases.
4. The application was recommended for approval by the officers but the recommendation overturned by Committee and the application refused. The Council is not duty bound to follow the advice of its professional officers, but if a different decision is reached, the Council has to demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application and the Council has provided an appeal statement. Although briefly set out, I find that the reasons for refusal as amplified in the Council's statement of case did provide clear reasons to demonstrate why the proposal was determined to be unacceptable. As such, it follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal. No unreasonable behaviour has been demonstrated in this regard.

6. Although the Council previously approved a substantial increase in the number of caravans at the site under the same policies, there is ultimately some discussion in the officer report regarding the location of the development being at odds with the Council's spatial strategy. There are also material differences between the two schemes and finding a development unacceptable to the earlier scheme, where it is of a different scale, is not inconsistent.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Williams

INSPECTOR