



Costs Decision

Site visit made on 8 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Costs application in relation to Appeal Ref: APP/Y2003/W/24/3345474 Collingwood Farm, Main Street, Gunthorpe, North Lincolnshire DN9 1BQ

- 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 Mrs C Platt for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for the demolition of an existing single storey masonry barn and replacement with a two storey (four bedroom) dwelling and associated garage.
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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 applicant relies on the fact that the policies in the Council's emerging Local Plan were a significant part of the applicant's case and therefore, its withdrawal had a direct effect on the applicant's appeal. The applicant also asserts that the withdrawal of the emerging Local Plan resulted in additional work.
4. Under section 22(1) of the Planning and Compulsory Purchase Act 2004, the Council can withdraw an emerging Local Plan at any time before it is adopted. Consequently, the withdrawal of the emerging Local Plan does not amount to unreasonable behaviour by the Council.
5. The Council is obliged to inform the Planning Inspectorate of any material changes to the development plan during the consideration of an appeal. To ensure a fair process, the appellant is given an opportunity to comment upon any changes. In responding to the withdrawal of the emerging Local Plan, the applicant may have incurred additional expense, however, this was not unnecessary or wasted expense borne from the unreasonable behaviour of the Council.
6. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise¹. The Council's emerging Local Plan had been submitted for examination. However, no Hearings had been undertaken and therefore, the

¹ Paragraph 2 of the National Planning Policy Framework

policies could have been subject to modifications. As such, while the emerging Local Plan was a material consideration, the Council attributed it limited weight.

7. The applicant's case relied on the possibility of the development limit of Gunthorpe being extended to include the appeal site. Even if this part of the emerging Local Plan could have been afforded significant weight, this was only one of the Council's reasons for refusing the planning application. Consequently, the appeal could not have been avoided and, following consideration of the appeal on its own merits, I have concurred with the Council on this matter.

Conclusion

8. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

A Berry

INSPECTOR