



Costs Decision

Site visit made on 2 December 2024

by Mr Cullum Parker BA(Hons) MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 DECEMBER 2024

Costs application in relation to Appeal Ref: APP/Y2003/W/24/3345925 Plots 3 & 4 Leys Lane, Winterton, Scunthorpe, DN15 9QT

- 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 John Ward for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for The material change of use of land for the stationing of caravans for residential purposes and erection of a dayroom ancillary to that use.
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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 national 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 cases of both parties are detailed within the costs application, response, and rebuttal, so I have not reproduced them here in detail. However, I have taken these fully into account in consider the application made.
4. The Applicant considers that the Council introduced further reasons for refusal at the appeal statement stage. In doing, the Applicant considers that this was unreasonable and caused them unnecessary and wasted expense in having to address these.
5. To a limited degree, I concur with the sentiments of the Applicant in terms of reasonableness. Whilst there was only one reason for refusal on the decision notice, at the appeal stage the Council appears to have stretched the coverage of these so that, for example, concerns over pedestrian safety evolved into highway safety concerns over traffic movements into and out of the appeal site.
6. It is well established within the appeals process that parties should know the case that they need to address. This is expressed in the *Development Management Procedure Order 2015* (DMPO) which states that '*the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision*'. In failing to state clearly and precisely their full reasons within the

decision notice, which then formed part of the Council's case at appeal, I find that the Council acted unreasonably.

7. The second stage is whether the unreasonable behaviour has resulted in unnecessary or wasted expense for the application party. I note that the Applicant was given an opportunity to address what they considered were new reasons for refusal. I also note that the Applicant sought a Hearing in order to further explore these matters. However, it is for the appointed person and the Planning Inspectorate to ascertain the appropriate procedure under s319a of the *Town and Country Planning Act 1990*, as amended, whilst ensuring a fair, open and impartial consideration of the evidence before them.
8. In this case, the appointed person did not consider that a Hearing was required in order to assess the evidence submitted by all parties or ask further questions. The Applicant has not, therefore, been required to engage in 'wasted expense' by commissioning a highways expert to address the concerns of the Council on that matter. This is manifested itself in practice by the fact that no further evidence has been submitted by the Applicant on this point, or sought to be submitted. In the absence of such evidence, whilst I find that the Council has acted unreasonably, this has not caused unnecessary or wasted expense in this instance.
9. Concerns have also been raised by the Applicant over the Council's approach to considering planning policy. However, this is a typical part of the appeal process, where the decision-maker has to carefully consider the weight afforded to various factors and come to a decision. This is a matter of exercising planning judgment and in itself does not constitute unreasonable behaviour in this case.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Parker

INSPECTOR