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## Costs Decision

Site visit made on 4 March 2025

**by N Kempton BAHons PGDip MA IHBC MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3<sup>rd</sup> April 2025**

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### **Costs application in relation to Appeal Ref: APP/Y2003/W/24/3354603**

#### **Rear of Manor Farm, High Street, Messingham, North Lincolnshire DN17 3UN**

- 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 Philip Jackson on behalf of Jackson Philips Asset Solutions for a full award of costs against North Lincolnshire Council.
  - The appeal was against the refusal of outline planning permission (all matters reserved) for up to 9 dwellings.
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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 heart of the applicant's claim is that the Council was unreasonable in its decision-making, refusing his scheme over lack of information relating to the impact of the proposed development on the significance of heritage assets, noise and odour impacts on the proposed dwellings, surface water drainage, and access and parking arrangements. It is the applicant's case that the application was for outline consent only, with all matters reserved and that detailed information should not be required until the detailed application stage or expected for this type of planning application.
4. The PPG sets out that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by preventing development which should clearly be permitted, by failing to produce evidence to substantiate each reason for refusal on appeal, or by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. I appreciate that the outcome of the application will have been a disappointment to the applicant. However, the delegated report clearly set out the factors which led the Council to its conclusion. The Council considered whether the submitted evidence provided sufficient information to assess the proposal against the policies of the development plan and the National Planning Policy Framework.
6. In determining the application, the Council also had regard to the appeal sites' planning history and that of the immediate environs. The applicant has expressed

disappointment that two of the reasons for refusing the current appeal - specifically in relation to noise and odour and insufficient drainage information- were previously dismissed by an Inspector in relation to outline planning permission for residential development on a larger site adjoining the current appeal site (refs:

APP/Y2003/W/22/3297656 and APP/Y2003/W/24/3336598). Concerns of inconsistent decision-making have also been raised in relation to this previous permission granted (ref: PA/2018/978) for conversion of barns to 7 dwellings, the site of which was similar to the current appeal site. I have not been provided with the full details of these cases, which inhibits a proper comparison. As such, I cannot be certain as to the circumstances within which these past planning decisions were made. However, I note that the application subject of this appeal includes an additional property, which is currently in use as a restaurant, and that the appeal site would be served by a different, albeit existing, access. In any case, each proposal falls to be assessed primarily on its own merits.

7. I disagreed with the Council's decision, and I've determined that the required information could be secured at reserved matters application stage. However, it does not follow that the conclusion the Council drew was unreasonable, rather taking a cautious approach to assessing the application and applying the relevant policies, was a plausible judgement to have made given the planning history of the site and within the immediate environs.
8. The Council concluded that there was insufficient information and substantiated the reasons for refusal at appeal. It has not therefore behaved unreasonably with respect to the substance of the matter under appeal. It follows the applicant has not wasted expense in testing that judgement at appeal.

### **Conclusion**

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

*N Kempton*

INSPECTOR