
Costs Decision

Site visit made on 25 March 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/E2530/W/24/3354555

12 Overgate Road, Swayfield, Lincolnshire NG33 4LG

- 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 Deo for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for the change of use of annexe/garage building to dwelling without complying with a condition attached to planning permission Ref S22/1067, dated 22 August 2022.
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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. Unreasonable behaviour on the part of a Council may include imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (the six tests), and thus does not comply with the National Planning Policy Framework on planning conditions. It may also include preventing or delaying development which should clearly be permitted; vague, generalised or inaccurate assertions about a proposal's impact and not following well-established case law.
4. The costs application is made on the basis that the Council has acted unreasonably by imposing Condition 5 which removes permitted development rights under Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
5. The applicant also refers to the length of time taken by the Council to make its decision. However, as this occurred before the appeal process, this in itself is not grounds for an award of costs.
6. Whilst I disagree with the Council's reasons for refusal relating to the effect of removing Condition 5 on the living conditions of neighbouring occupiers, I have established that the effect of its removal could result in harm to the character and appearance of the area. On this basis, I can only find that the Council behaved reasonably in imposing it. The full costs incurred by the applicant at appeal would not therefore have been avoided.

Conclusion

7. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Marriott

INSPECTOR