



Costs Decision

Site visit made on 30 May 2025

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/D2510/W/25/3362639.

Woodlands, Summergates Lane, Bratoft, Skegness, Lincolnshire PE24 5BZ

- 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. Phil Graham against the decision of East Lindsey District Council.
 - The appeal was against the refusal of planning permission under application S/020/02066/23 for the change of use of land to provide 8 glamping pitches, the excavation of a wildlife pond, the creation of an embankment and the construction of an internal access road.
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Decision

1. The application for an award of costs is allowed.

Procedural Matter

2. The local planning authority (LPA) was given the opportunity to comment upon the costs submission by the appellant but no representation relating to it has been received.

Reasons

3. 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.
4. The applicant submits that the LPA has acted unreasonably in so far that it has failed to substantiate its reasons for refusal.
5. The LPA refused the application for the reason that the proposal did not accord with the East Lindsey Core Strategy policy SP15, and specifically within that policy, that there should be access to a suitable settlement for services and facilities and that there should be safe access with vehicles and pedestrians being separated.
6. As such, the LPA refused the application on the basis that *'the users of the proposed site would not have convenient and safe access to key facilities given its location which does not give priority to pedestrian and cycle movements. It is consequently considered that the proposal would place a high reliance on the use of the car for users of the site'*.
7. The LPA considers that *'the nearest relevant settlement is Burgh le Marsh, however the site lies around 2.4km from the edge of Burgh Le Marsh and at least 3km from any facilities within the village such as the shop or pub'*.
8. However, the appellant has submitted details of a footpath link adjoining the appeal site and leading to Burgh le Marsh, and while third parties assert that it is rarely

used, it nevertheless would be available to users of the appeal site and provides sufficient separation of drivers and pedestrians, as required by the policy.

9. Furthermore, the Highway Authority has not objected to the appeal proposal, noting that traffic volumes along the road from the appeal site to Burgh le Marsh are low, that traffic speeds are also low and that there are adequate passing places for approaching traffic. Even though the road has no footpaths or street lighting, the inference is that there is sufficient and safe separation between drivers and pedestrians.
10. Even if that were not to be the case, the appellant has referred to other developments which have been approved by the LPA, where there are similar or greater distances from those sites to Burgh le Marsh and where in some cases, the proposed development exceeds that of the current appeal proposal.
11. These include, amongst the others quoted, an approval for nine static caravans and associated works at Moat Farm, close to the appeal site, approved in August 2018 (reference S/020/01232/18) and where similar access alternatives and conditions apply, though the Moat Farm site is further away from Burgh le Marsh. The decision was made with reference to the same development plan as the current appeal proposal.
12. Reference is also made to the application for one holiday let abutting the appeal site under application S/020/279/22 and approved on 25 April 2022. When determining the application in relation to policy SP15, the LPA noted that *'the site is connected, by way of numerous public footpaths (including but not limited to Btft/239/1, Btft/240/1, Btft/241/1, BurM/994/1, BurM/259/1 and BurM/258/2) to the large village of Burgh le Marsh which benefits from a range of services and facilities. In particular, public footpath Btft 239/1 is located directly adjacent to the north western corner of the application site'*.
13. Its reason for approving the application is that *'the proposal is acceptable and there is compliance with the relevant Development Plan Policies and also the National Planning Policy Framework'*.
14. The LPA has provided no credible reason why these and the other quoted examples, all of which were determined under the same local planning policies, are sufficiently different to the appeal proposal in terms of access and the separation of drives and pedestrians.
15. The courts have held that consistency in decision making is a material planning matter. In addition, PPG considers that not determining similar cases in a consistent manner may give rise to an award of costs against an LPA.

Conclusion

16. For the above reasons, I conclude that the Council has acted unreasonably, and the applicant has been put to wasted time and expense in pursuing the appeal. Therefore, a full award of costs is justified.

Costs Order

17. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Lindsey

District Council pay to Mr Phil Graham the costs of the appeal proceedings; such costs to be assessed in the Senior Courts Costs Centre if not agreed. The proceedings concerned an appeal described in the heading of this decision.

18. Mr Phil Graham is now invited to submit to East Lindsey District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S. Hartley

INSPECTOR