



Costs Decision

Site visit made on 20 August 2025

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Costs application in relation to Appeal Ref: APP/R2520/W/25/3367064

Land off North Street, Digby, Lincolnshire LN4 3NN

- 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 Fraser Key for a full award of costs against North Kesteven District Council.
 - The appeal was against the refusal of the Council to grant subject to conditions, planning permission for the erection of 9 no. 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 applicant alleges that the Council has acted unreasonably and unjustifiably in respect of their handling of the entire application. They claim that the proposal was acceptable in principle and that it was within the gift of the Council to negotiate in order to make any other matters of detail acceptable. Planning permission should have been granted, and it was unreasonable for the applicant to have to appeal and thus incur the expenses of that appeal.
4. In response, the Council is clear that the proposal was contrary to the development plan, being unacceptable in principle, but also unacceptable in respect of several detailed matters. The Council were quite clear during the determination of the application that as a result, they did not intend to seek alterations or amendments to the proposal.
5. Whilst the applicant is dissatisfied with the approach of the Council to their application, I find nothing in their behaviour unreasonable. The Council made clear their objections to the proposal, in advance of their decision, and then set this out clearly, specifically and accurately in their Decision Notice. This clarity, specificity and accuracy followed through into their appeal submissions.
6. As I have found in my main decision, the in-principle objection to the proposal was sustained by the development plan, national policy and the evidence before me. Furthermore, I found that none of the detailed matters were properly capable of being dealt with by conditions.

7. Given that, it is clear that actions of the Council in refusing the application were not unreasonable. Nor was their behaviour during the appeal process, during which they restated their original assessment of the proposal.

Conclusion

8. I therefore find that the Council has not demonstrated any behaviour which could be considered unreasonable in procedural or substantive terms, and which then resulted in unnecessary or wasted expense.
9. The application should therefore be refused.

S Dean

INSPECTOR