



Costs Decision

Site visit made on 8 July 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 SEPTEMBER 2025

Costs application in relation to Appeal Ref: APP/M2515/W/25/3364507

5 Exley Square, Lincoln, Lincolnshire LN2 4WP

- 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 Sath Vaddaram of Spericle Limited for a full award of costs against City of Lincoln Council.
 - The appeal was against the refusal of planning permission for change of use from dwelling (Use Class C3) to HMO (Use Class C4).
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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. This application relies on the case that the Council acted unreasonably by procedurally: failing to engage proactively with the applicant during the application process to enable them to address the Council's concerns; and in not requesting or obtaining available evidence.
4. The application was submitted without evidence of marketing to support the proposal in accordance with policy. The applicant offered to provide additional information during the application process, which was not accepted by the Council and they refused permission.
5. This case largely relates to the behaviour of the Council during consideration of the planning application, rather than during the appeal process. The PPG makes it clear that costs cannot be claimed for the period during the determination of the planning application, but that all parties are expected to behave reasonably throughout the planning process. However, actions at the time of the planning application can be considered in my decision of whether costs should be awarded for unnecessary or wasted expense during the appeal process.
6. The applicant submitted insufficient evidence in relation to marketing the appeal property as a family dwelling as part of the application. A marketing exercise was carried out once planning permission had been refused and that evidence was not available to the Council at the time it made its decision. I have found the evidence submitted in support of the appeal, which includes that post-decision marketing

information, to be inadequate. It therefore follows that this was not a matter that was minor and an easily resolvable concern as asserted by the applicant.

7. Furthermore, it is the applicant's responsibility to obtain, compile and submit relevant evidence in support of their planning application proposal. The onus is not on the Council to undertake such duties for them, regardless of whether the evidence is publicly available or whether the evidence has been compiled and the applicant decided not to submit it in the absence of being specifically requested to do so by the Council.
8. There is no substantiated evidence before me to demonstrate that the Council's officer failed to engage with the applicant to sufficiently discharge their duties under paragraph 38 of the Framework.
9. For these reasons, I am satisfied that the Council acted reasonably in refusing the application.
10. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

L Fern

INSPECTOR