



Costs Decision

Site visit made on 22 September 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Costs application in relation to Appeal Ref: APP/Z2505/W/25/3365660 London Road, Boston PE21 8TJ

- 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 I Sharpe, for a full award of costs against Boston Borough Council.
 - The appeal was against the refusal of an outline planning application for a storage and distribution site (Use class B8) at site at London Road, Boston PE21 8TJ.
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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 Guide (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 PPG provides examples of unreasonable behaviour by local planning authorities, including both procedural and substantive matters, although the lists are not exhaustive. The application for costs in this case relates to circumstances which the applicant considers led to an unnecessary appeal including previously granting permission for a similar use in 1999¹, and then knowing this was the case approving housing development to the south of the site in 2004². The appellant is claiming that the Council acted unreasonably because the permission approved in 1999 was extant at the time a housing permission was considered and approved in 2004. I infer from this that the appellant considered the two land uses alongside each other should therefore be considered compatible.
4. With regard to the above, the full details of the circumstances that led to the Council's decision relating to the housing permission in 2004 are not before me. I do not know if any discussions were held regarding the likelihood of the approved development coming forward. This may have been expected as part of any monitoring of sites which are including as allocation within the development plan, which at the time, it is understood this site was. Nor is there any evidence that any of the pre-commencement conditions had been discharged, which related to drainage, land contamination, archaeological evaluation and mitigation and design and appearance of the buildings, which may have indicted progression of the approved development. Furthermore, the housing proposal was approved towards the end of a five year expiration from which development needed to be begun.

¹ B/99/0393

² B/04/0261

5. Although the Council has suggested this decision may have been flawed, I cannot conclude with any certainty that the Council behaved unreasonably in its approach when it considered that housing proposal. In any event the housing permission decision is beyond the remit of this costs application because it does not relate to the behaviour during the determination of the planning application or the appeal.
6. Whilst consistency is important in decision making, and a previous permission granted, given the passage of time and the changes in national and local planning policy I do not consider that an approval which dates back some 24 years binds the Council. There have been significant material changes of circumstances in relation to local and national planning policy when compared to the 1999 Permission. As such the PPG identifies that in those circumstances that does not amount to unreasonable behaviour.
7. Furthermore, from my decision it will be seen that I did not consider that the remaining reasons for refusal were capable of being dealt with by condition. Therefore, as the scheme was unacceptable, a conclusion that I have also reached, the resultant appeal would have arisen even if the Council had determined the proposal would not have been harmful to living conditions.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Williams

INSPECTOR