



Costs Decision

Site visit made on 18 November 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st December 2025

Costs application in relation to Appeal Ref: APP/Y2003/W/25/3372967 Grafton House Care Home, 157 Ashby Road, Scunthorpe, North Lincolnshire DN16 2AQ

- 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 Miss Josephine Hughes for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission for the change of use of building to form Guest House (Use Class C1).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 sets out that the reason for refusal is unsupported by evidence, disregards professional advice of officers and the highway authority, and is contrary to the findings of a previous appeal¹. Thus, they consider that the Council has failed to properly consider material planning evidence, and have drawn my attention to a legal judgement². They set out that the costs include those incurred in preparing appeal evidence, expert reports, and submissions.
4. The Council set out that the proposal is in direct conflict with the development plan and as such the proposed development should be refused. They highlight that planning officers exist to advise planning committees, which are entitled to reach their own decisions by attaching a different weight to the various planning criteria which are relevant to an application. Furthermore, the Council state that the planning committee members were aware of the consultee comments, and they highlight the timeline of events.
5. Council members are entitled to not accept the professional advice of officers, as long as it is clearly demonstrated why the proposal is unacceptable and clear evidence is provided to substantiate that reasoning. Given in particular the highway authority's consultation response and the Inspector's findings regarding highway safety, the Council has failed to produce evidence to substantiate the reason for

¹ APP/Y2003/W/22/3312984

² Gallagher v SSE [1992] 65 P & CR 91; Pioneer Aggregates Ltd v SSE [1985] JPL 413

refusal. The Council's case is vague and is not supported by any objective analysis and they have not robustly justified why members came to a different conclusion to their Officers and the highway authority. Thus, the Council has prevented and delayed development which should have clearly been permitted, having regard to its accordance with the development plan, national policy and other material considerations.

6. For the reasons given above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and a full award of costs is therefore warranted.

Costs Order

7. 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 North Lincolnshire Council shall pay to Miss Josephine Hughes, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to North Lincolnshire, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Wilson

INSPECTOR