



Costs Decision

Site visit made on 1 October 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Costs application in relation to Appeal Ref: APP/Z2505/W/25/3367067

Friths Farm, Fen Road, Frampton West, Boston, Lincolnshire, PE20 1SA

- 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 Andrew Bush for a full award of costs against Boston Borough Council.
 - The appeal was against the refusal of prior approval for conversion of agricultural buildings into 6 dwelling houses.
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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 PPG sets out that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal, for example, by preventing development which should clearly be permitted or by not determining similar cases in a consistent manner, or by failing to produce evidence to substantiate each reason for refusal on appeal, or by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant's grounds are that the Council behaved unreasonably for the following reasons: considering development plan policies in determination of the application for prior approval; failure to make information publicly available; inconsistency in decision making with particular regard to the request for a noise assessment. This caused them to incur unnecessary or wasted expense in pursuing the appeal, which constitutes unreasonable behaviour.
5. There is no statutory requirement to determine applications for prior approval in accordance with the development plan, rather the primary basis for assessment is the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) itself. However, it is admissible for the Council to take account of development plan policies insofar as they are relevant to the prior approval matters.
6. Representations made to the Council on an application are publicly available on the Council's website pending determination. Once determined, the decision is issued and published, at which point the representations are removed in accordance with data protection requirements. However, the Council's delegated report clearly set

out the representations received, in full, together with factors which led the Council to its conclusion.

7. The Council considered whether the submitted evidence provided clear justification for the conversion of the linked agricultural storage buildings. In light of concerns regarding noise and disturbance, arising from the proximity of the appeal buildings to the existing agricultural yard and agricultural building, the Council's Environmental Health consultee requested a noise assessment. This is in accordance with established practice in order that sufficient information is available to inform decision making.
8. The applicant refers to a case where prior approval was granted for residential conversion of agricultural buildings in the absence of a noise assessment. The appellant considers that the Council's decision making on this current case is inconsistent with that previous case, despite being closer to a busy road than the appeal proposal. Insufficient details of that application have been provided to enable a detailed comparison with the appeal scheme before me. However, each application and appeal are assessed on its own merits in relation to the relevant constraints of the GPDO in this instance.
9. Ultimately, it is not shown that had the Council behaved otherwise, that it would have led to a different outcome. It will be seen from my decision that I found that the Council has sound reasons to refuse the planning application. Neither is it shown that they were obliged to provide the applicant with an opportunity to submit additional information at the planning application stage.
10. I appreciate that the outcome of the application will have been a disappointment to the applicant. However, I have not found that the Council behaved unreasonably with respect to the substance of the matter under appeal. It follows that the applicant has not wasted expense in testing that judgement at appeal.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

N Kempton

INSPECTOR