
Costs Decision

Hearing held on 8 January 2026

Site visit made on 8 January 2026

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Costs application in relation to Appeal Ref: APP/Y2003/W/25/3370238 Slate House Quarry, Redbourne Road, Hibaldstow, DN20 9NN

- 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 Welton Aggregates Ltd. for a full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal of planning permission to extend the existing site of the quarry onto land to the north and east of Slate House Quarry and retain all existing infrastructure
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Decision

1. The application 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 considers that refusal of the application was unreasonable, and the Council has prevented development which should clearly be permitted, and has resulted in unnecessary delay and expense for the applicant. Furthermore the case advanced by the Council fails to produce evidence to substantiate the reason for refusal and makes vague generalised assertions about its impact.
4. The planning application the subject of this appeal was presented to the Planning Committee at its meeting on 12 March 2025 with a recommendation from the officers to grant planning permission for the development with conditions.
5. The Members reached a different decision and resolved to refuse the planning application for two reasons having already visited the site following consideration at previous meetings. This is not in itself unreasonable behaviour as long as that decision has been made for good planning reasons which can be substantiated at appeal.
6. The Committee Report (CR) contained a consultation response from the Council for the Protection of Rural England (CPRE) which expressed concern regarding where the water required for the operation of a concrete batching plant would be sourced and stored on site. However, this was solely in relation to the consideration of the concrete batching plant which by the time of the Planning Committee meeting had been deleted from the proposal. The CR makes it clear that that aspect was no longer part of the proposal and therefore the comments did not apply.

7. However, the Planning Committee still refused the planning application on grounds relating to significant water usage on site and lack of consideration for safeguarding water supplies. This was unreasonable behaviour. However, the Council advised the applicant it would not be defending this reason for refusal early in the appeal process. Furthermore, the evidence needed to defend the applicant's case was not substantial given the circumstances. In any case, even if the reason for refusal had not been applied, the application would still have been refused for the reasons contained in the second reason for refusal. Consequently, the applicant has not incurred unnecessary or wasted expense in relation to this reason for refusal.
8. The second reason for refusal is more nuanced. Nevertheless in parts it relates to the effect of the proposal on the character and appearance of the area. Non compliance with policies RD2 and DS1 of the North Lincolnshire Local Plan 2003 and the National Planning Policy Framework is alleged. In its statement of case the Council acknowledges the applicants Landscape and Visual Impact Assessment, but makes valid points about where it disagrees with the findings and why it considers that unacceptable harm would be caused.
9. While in my decision I have not agreed with the Council, its case is valid, indeed I comment that the character and appearance of the area would be inevitably altered. Although in my opinion the mitigation provided would overcome any unacceptable harm caused.
10. The other strand of the Council's case relates to the impact on residents' living conditions and how that impacts on their amenity as opposed to their residential amenity, using the Planning Aid England's definition of amenity. It makes it clear in its statement, and at the Hearing that there is no dispute that the technical reports submitted by the applicant demonstrate that in each individual issue there would not be material harm. However, it sought to demonstrate how the cumulative effects of the noise, dust and HGV movements were having a harmful impact on residents and would continue to do so for a longer period of time should the application have been granted.
11. I also heard from residents at the hearing who very eloquently summed up their concerns regarding the development, which while based on the existing operation of the quarry, are nevertheless legitimate in terms of a continuation of quarrying for a longer period of time.
12. The crux of the matter to me is that the Inspector on the previous appeal assumed that HGV drivers would use the haul road rather than requiring them to do so. As a result, it seems to have been very difficult to enforce the use of the haul road even with a tracker system. Given the lack of substantive evidence from both the applicant and residents then I shared the Inspectors concerns on the previous appeal that HGV movements had the potential to be harmful to the living conditions of the residents of Hibaldstow and Redbourne.
13. While a solution was presented to the Committee at the time of its consideration of the planning application in the form of a Transport Management Plan, I have found short comings in the enforceability of the proposed document should it be the subject of a condition. In my view therefore the Council was not unreasonable in reaching the decision it did.

14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. Consequently, the application is refused.

Zoe Raygen

INSPECTOR