



Costs Decision

Site visit made on 2 September 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Costs application in relation to Appeal Ref: APP/D2510/W/25/3366428 Land off Skegness Road and Ingoldmells Road, Burgh le Marsh, Skegness PE24 5HD

- 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 Burgh Pastures Limited for a full award of costs against East Lindsey District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of 15 no. dwellings and creation of vehicular accesses.
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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 applicant's case is that the Council failed to determine the application and delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and relevant material considerations. The Council has not responded to the costs application.
4. It will be seen from my main decision that I have determined that the proposal, having regard to the development plan and other material considerations, is not acceptable in planning terms. As such, it does not amount to a development that should clearly have been permitted, and in defending the appeal, the Council has not engaged in unreasonable behaviour on substantive grounds.
5. As to procedural matters, the PPG further makes it clear that costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, but that behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
6. In this case, the evidence indicates that the applicant engaged in ongoing dialogue with the Council beyond the statutory determination period of the application. This was with a view to agreeing suitable amendments to the proposal to accord with relevant development plan policy, notably Policy SP18. That the applicant chose not to amend the proposal was a choice it made and the pursuit of an appeal against non-determination was the procedural option available.

7. Ultimately, there is little evidence to suggest the delay in determining the application was due to wilful inaction by the Council or a refusal to communicate with the applicant. Rather, email correspondence put to me indicates the applicant was aware of the Council's concerns during the application process. I find that the Council's behaviour in this respect was not unreasonable, given the duty on local planning authorities to work with applicants in a positive and proactive manner during applications. Furthermore, I have no firm evidence to suggest the Council has otherwise caused unnecessary delay in any procedural matter at the appeal stage.

Conclusion

8. For the reasons set out, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, no award of costs is made.

K. Savage

INSPECTOR