
Costs Decision

Hearing held on 10 March 2026

Site visit made on 10 March 2026

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2026

Costs application in relation to Appeal Ref: APP/Y2003/W/25/3368618

Land at Carrside, Epworth, DN9 1DX

- 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 Jeremy Neal for full award of costs against North Lincolnshire Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a proposed change of use of agricultural building to dwelling house (Use Class C3).
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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. It is stated that the Council acted unreasonably in its approach to previous applications for prior approval¹ at the appeal site, in considering a subsequent application of a lawful development certificate² to be a material consideration, despite this application being withdrawn prior to determination, and relying upon these matters within its case for the appeal before me.
4. It is common ground that the previous grant of prior approval for the conversion of the appeal building to a dwelling house contained flaws. These are stated to include the imposition of a condition requiring that the development should commence with three years of the date of approval, rather than being completed within this time, and that the curtilage of the proposal would have exceeded the floorspace of the building, therefore meaning that it failed to adhere to the conditions of Schedule 2, Part 3, Class Q of the GPDO in any case.
5. It is not within the scope of the appeal or this costs application to determine the lawfulness or otherwise of this approval. Even if the Council had not attached the erroneous condition on the original approval, the applicant acknowledges that the proposal did not amount to permitted development in any event due to the size of the proposed curtilage. If this was indeed the case, then the Council's handling of

¹ PA/2020/1641

² PA/2024/1235

the application is of limited relevance, and it cannot be said that it directly resulted in an unnecessary appeal, following the refusal of the subsequent proposal. In this respect, the Council did not behave unreasonably.

6. Regarding the withdrawn application for a certificate of lawfulness, I understand the Council's position that the submission of this application and the evidence supplied with it implied that the development had already commenced. This is clearly at odds with the appellant's subsequent position that the development had not yet started. I have covered this matter in detail in my appeal decision. However, as set out in my appeal decision, this is ultimately of little relevance.
7. However, the Council's consideration of the appeal proposal, as set out in the Officer Report, is focused upon the planning history of the appeal site, rather than a detailed assessment of the proposal before it. As a result, it relied heavily upon the previous prior approval and subsequently withdrawn application for a certificate of lawfulness, rather than an objective consideration of the proposal before it in the context of the site history. This was unreasonable and led to an unnecessary appeal, particularly given the narrow focus of consideration for prior approval applications.
8. It is the case that there was no requirement for the applicant to appoint professional representation in relation to the appeal. However, the way an appellant chooses to make an appeal is at their discretion and does not mean that such costs do not fall within the scope of the costs regime.
9. I therefore conclude that an award of costs, to cover the expense incurred by the appellant in contesting the Council's decision is justified in this case.

Costs order

10. 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 Mr Jeremy Neal, 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.
11. The applicant is now invited to submit to North Lincolnshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Harding

INSPECTOR