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## Costs Decision

Site visit made on 14 January 2026

**by M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

**Decision date: 16 June 2026**

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### **Costs application in relation to Appeal Ref: APP/D2510/W/25/3368029**

#### **Land at Main Road, Raithby, Spilsby PE23 4DS**

- 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 Alistair Hall-Jones for a full award of costs against East Lindsey District Council.
  - The appeal was against the refusal of planning permission for one new dwelling.
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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. Unreasonable behaviour in the context of an application for an award of costs may either be procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant has set out several issues which they consider demonstrates unreasonable behaviour by the Council and has led to them incurring costs of preparing and engaging professional input for the appeal. This includes the Council making subjective landscape assertions; not detailing why the proposal was more harmful than other developments in the village; not providing evidence of their housing land supply; not giving weight to the self-build register; and not entering discussions with the applicant following the decision.
4. The applicant considers that the Council made subjective landscape assertions with no technical evidence. However, the development was for one dwelling, and the level of input and evidence the Council provided was proportionate to the proposal. In any case, it is for the applicant to provide the information to support their application.
5. Whilst the Council did not provide detailed evidence of the housing land supply, they did state in their officer report that they could no longer demonstrate a 5-year supply of deliverable housing sites. Moreover, they provided a balancing exercise whereby the harm to the rural countryside character of the area and village outweighed the benefits of one new dwelling. I reached the same conclusion in my decision.

6. Despite the applicant's assertion that the Council did not adequately explain the differences between other developments and this proposal, the Council's statement set out the reasons why the appeals and local planning applications cited by the applicant were different. Two of those sites<sup>1</sup> were approved because they were in the developed footprint of the village where Policy SP4 of the East Lindsey Local Plan (ELLP), 2018, was relevant at the time, although the Council now consider this policy has little weight because of the housing land supply in the district. This was explained in paragraph 2.5.
7. The Council corrected the reference to ELLP Policy SP2, which should have been Policy SP1, in their statement. The supporting text to this policy on settlement pattern states that most small villages have a limited range of services or facilities. In addition, paragraph 2.9 refers to the other factors that affect decisions, including access to services and public transport. Whilst the Council did not expand on this, there was no evidence in the appeal that said that the proposal would not lead to a reliance on a private vehicle.
8. The Council has a statutory duty under *The Self-Build and Custom Housebuilding Act*, 2015, as amended, to keep a register of self-build housing plots. Whilst they did not provide any evidence as to whether there is an appropriate supply of self-build housing plots within the district and did not fully explore the implications for this site, this does not amount to unreasonable behaviour. In any case, I found that there was no legal agreement in place that would secure the dwelling as self-build and custom-build housing.
9. The applicant contends that the Council did not engage with them following the decision, however, this is a matter between the main parties. Whilst I appreciate that the applicant does not agree with the Council's decision, I am satisfied that planning permission should not have been granted, and an appeal was therefore inevitable.

## Conclusion

10. For the reasons set out above, I conclude that unreasonable behaviour, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

*M J Francis*

INSPECTOR

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<sup>1</sup> Ref N/137/01933/24 and N/137/00377/24