



Costs Decisions

Site visit made on 10 March 2026

by **L Bartle BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2026

Costs application 1 in relation to Appeal Ref: APP/E2530/W/25/3372229

Land off Burghley Street, Bourne PE10 9AE

- 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 Jason Murray, Jason Murray Homes Limited for a full award of costs against South Kesteven District Council.
 - The appeal was against the refusal of planning permission for the erection of twelve self-contained flats with associated hard and soft landscaping and detached storage building on land off Burghley Street, Bourne, Lincolnshire PE10 9AE
-

Costs application 2 in relation to Appeal Ref: APP/E2530/W/25/3372229

Land off Burghley Street, Bourne PE10 9AE

- 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 South Kesteven District Council for a full award of costs against Jason Murray Homes Limited.
 - The appeal was against the refusal of planning permission for the erection of twelve self-contained flats with associated hard and soft landscaping and detached storage building on land off Burghley Street, Bourne, Lincolnshire PE10 9AE
-

Decision

1. Application 1 is refused.
2. Application 2 is refused.

Procedural Matters

3. For clarity, I refer throughout the decision to Jason Murray Homes Limited as 'the appellant' and to South Kesteven District Council as 'the Council,' regardless of which party is the applicant and respondent in each costs claim.
4. 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.
5. Unreasonable behaviour may be either substantive, relating to the merits of the decision, or procedural, relating to the way in which the process has been handled.
6. The PPG makes clear that an application for costs must demonstrate how the alleged unreasonable behaviour has directly resulted in unnecessary or wasted expense.

Reasons

Costs Application 1 by the appellant against the Council

7. The appellant submits that the Council acted unreasonably because planning permission was refused contrary to the professional recommendation of officers and despite no objection having been raised by the Highway Authority. However, the fact that Members reached a different conclusion from their officers does not, in itself, amount to unreasonable behaviour. The Planning Committee was entitled to exercise its own planning judgement and depart from the officer recommendation so long as a case can be made for a contrary view.
8. The Council's decision was based on highway safety. This is a relevant planning consideration in this case and the reason for refusal is itself precise, specific and relevant to the planning application, clearly explaining on what grounds the Council considered the proposal to be unacceptable. The development plan policy cited is also pertinent to the reason for refusal. In these circumstances, the Council's concerns cannot reasonably be regarded as unsupported, unfounded, or lacking any substantive planning basis.
9. Although the Highway Authority raised no objection, Members were nevertheless entitled to consider the implications of the development in the round and to reach their own judgement on the acceptability of the proposal having regard to all material considerations. Highway safety is not simply a technical matter as it also depends on how vehicular users and pedestrians may react when faced with the potential for conflict or perceive such a conflict.
10. The Council has also substantiated its case during the appeal proceedings and did not materially alter the basis of the refusal or behave in a manner which resulted in unnecessary or wasted expense to the appellant.
11. While the appellant disagrees with the Council's assessment, disagreement on planning merits and compliance with policy, where evidence has been adequately substantiated, does not amount to unreasonable behaviour for the purposes of the costs regime.
12. Consequently, having regard to the PPG, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.
13. I have also considered whether a partial award should be made, but I reach the same overall conclusion. The Council has provided sufficient evidence and so such an award of costs is also not justified.

Costs Application 2 by the Council against the appellant

14. The Council maintains that the appellant acted unreasonably by failing to submit an executed planning obligation with the appeal, contrary to the expectations of the Procedural Guide. It states that this resulted in unnecessary additional work reviewing and commenting upon successive drafts of the Unilateral Undertaking, including a revised Version 2 submitted later in the appeal process. The Council contends that the planning obligation could and should reasonably have been progressed prior to the appeal being submitted and that the delay caused uncertainty and additional officer input.

15. Whilst I acknowledge that an executed planning obligation was not submitted at the time the appeal was made, I note that the appellant subsequently provided a draft Unilateral Undertaking followed by a revised version during the course of the appeal.
16. I have considered whether the timing of the submissions amounted to unreasonable behaviour resulting in wasted expense. However, I have not been provided with substantive evidence that the evolution of the planning obligation materially delayed the appeal process. In any event it is the Planning Inspector who would set such deadlines, and it is hard to see therefore how this amounts to unreasonable behaviour. Furthermore, I have no substantive evidence before me to demonstrate unnecessary expenditure beyond that ordinarily associated with considering and reviewing planning obligations during an appeal.
17. Accordingly, whilst the appellant could reasonably have progressed the planning obligation earlier, I am not satisfied that the conduct resulted in substantive wasted expense or procedural delay sufficient to justify an award of costs.
18. I have also considered whether a partial award should be made, but I reach the same overall conclusion.

L Bartle

INSPECTOR