The Planning Inspectorate

Costs Decision

Site visit made on 7 August 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Costs application in relation to Appeal Ref: APP/A2525/W/20/3248049
Cawood Hall, Apple Tree Farm, Gosberton, Spalding PE11 4HB

- 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 Sally Brown for a full award of costs against South Holland District Council.
- The appeal was against the grant subject to conditions of planning permission for proposed barn conversion and reinstatement of an extension to create a residential dwelling (existing annexe attached to the barn is to be partially demolished), plus proposed detached outbuilding - approved under H08-1108-17 - Modification of Condition 2 to allow amendments to previously approved plans.

Decision

1. The application for an award of costs is refused.

Reasons

2. 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. The PPG lists the types of behaviour that may give rise to a substantive award against a local planning authority. These include where similar cases have not been determined in a consistent manner or where conditions have been imposed that are not necessary or reasonable in all other respects.

3. With regards to Condition 2 part i) the Council was concerned that there could be an accumulation of freestanding curtilage buildings and that this and other parts of the condition were necessary to prevent potential harm to the visual integrity of the host building, the character of the wider area and neighbouring living conditions. My appeal decision sets out why I concluded part i) of the condition is not necessary in this instance. Even so, the Council was entitled to make its own planning judgement on this matter and therefore did not act unreasonably.

4. The Council was also within its rights to request an application to allow for an appropriate assessment of the change to the approved drawings to incorporate a door. I have found the door does not result in any material planning harm over and above the original planning permission and therefore Condition 6 is not necessary. However, the Council did not act unreasonably in attaching the condition based on their own assessment of the planning merits of the proposal.

5. Whilst the lack of a condition to retain the previous boundary hedge is regrettable, following its removal, the Council was not unreasonable in attempting to negotiate the provision of obscure glazing or replacement hedging. Any lack of satisfaction as to the Council's response to requests for information, the Council's interpretation of correspondence through its complaints procedure and alterations to the description of development in the officer report and decision do not alter the content of the contested conditions and have not resulted in additional expense in the appeal process.

6. To conclude, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR