



Costs Decision

Site visit made on 8 March 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 18 May 2021

Costs application in relation to Appeal Ref: APP/A2525/W/20/3261677 Lawnwood, 47 Plank Drove, Crowland, Spalding PE6 0BY

- 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 & Mrs Clough for a full award of costs against South Holland District Council.
 - The appeal was against the refusal of planning permission for 'outline planning application (all matters reserved) seeking the erection of a self build residential dwelling with an equivalent footprint to a garden store building approved under application H02/0006/15'.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicants claim concerns substantive matters. In particular, that the Respondent provided manifestly inaccurate information, acted contrary to well-established case-law, failed to determine similar cases in a consistent manner and thus prevented development which should clearly have been permitted.
4. Whilst I understand the applicants' frustration with the outcome of the application, it will be seen from my decision that I concur with the Respondent's reason for refusal and in particular, I have concurred with the Respondent's view that the scheme at Land north of the former Crowland Garden Centre is not directly analogous to the appeal scheme in terms of the benefits and disbenefits that applied to that scheme. Whilst consistency is important in decision-making, in the circumstances described, it is entirely appropriate to determine the appeal proposal on its individual planning merits.
5. I note that the Respondent was made aware of an appeal decision¹ at Hepworth Road, Woodville. However, I am not persuaded that this demonstrates the Respondent has failed to follow established case-law, particularly given that the legislation does not specify how a local planning authority must record suitable permissions for self-build or custom

¹ APP/G2435/W/18/3214451

housebuilding and it is open to the LPA to satisfy themselves that development permissions being counted meet the legislative requirements.

6. The Respondent accepts that there were minor errors within its evidence concerning the availability of self-build and custom built plots. I have concluded that there is insufficient evidence to adequately demonstrate the Respondent is complying with its statutory duty under the Self-Build and Custom Housebuilding Act 2015. Nevertheless, I have concluded that the weight to be attributed to this material consideration together with other material considerations identified within the decision letter are insufficient to outweigh the identified harm and the conflict with the development plan and national planning policy. As such, the Respondent has not prevented development which should clearly have been permitted.
7. Accordingly, I do not find that the Respondent has acted unreasonably. As such, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified.

E Brownless

INSPECTOR