The Planning Inspectorate

Costs Decision

Site visit made on 8 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Costs application in relation to Appeal Ref: APP/A2525/W/23/3334067
Land at Blackbird Close / Peterborough Road, Crowland, Lincolnshire PE6 0BA

- 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 Mark Blackbird for a full award of costs against South Holland District Council.
- The appeal was against the refusal of planning permission for the erection of 3 bungalows with garages.

Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This appeal is made on substantive grounds.

3. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, by preventing development which should clearly be permitted having regard to its accordance with the development plan and by making vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

4. I understand the applicant's frustrations that the development was refused at planning committee against officers' advice. However, planning committees are not bound to accept the recommendations of their officers or statutory consultees. Whilst the reason for refusal is succinct, it is sufficient to identify the Councils concerns. Decision notices are not intended to provide full details of the Council's case and should be read alongside delegated reports and/or committee meeting minutes.

5. Whilst the written minutes from the committee meeting are far from comprehensive, the applicant would have been able to attend or been able to watch the recording of the meeting. Moreover, as part of the appeal the Council have submitted a statement, on which the applicant was able to comment, that provides a comprehensive analysis of the proposal giving sufficient reasoning for their decision and highlighting the relevant development plan policies.

6. Consequently, unreasonable behaviour, as described in the Planning Practice Guidance, resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Allen

INSPECTOR