The Planning Inspectorate

Costs Decision

Site visit made on 22 August 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Costs application in relation to Appeal Ref: APP/A2525/W/24/3339842
Land to the rear of 36 Lime Walk, Long Sutton PE12 9HG

- 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 L Russell on behalf of PJK Magpie Close Ltd for a full award of costs against South Holland District Council.
- The appeal was against the refusal of planning permission for residential development comprising 48 dwellings.

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.

3. The application for costs is made on the basis that the Council's position on the proposal was unfounded and without policy basis. It is also contended that the Council behaved unreasonably in refusing permission after Council officers had recommended a larger proposal on the appeal site for approval at an earlier date.

4. The Council's case hinged, largely, on the rationale behind the stated envisaged quantum of development that the allocated site could accommodate. While this rationale was cogently communicated, I found that it was not borne out in the evidence before me, as it had not been carried forward into the development plan.

5. Be this as it may, the concern was nevertheless legitimate and related more widely to the effect of the proposal upon the character and appearance of the area. These concerns were adequately substantiated. Although I found in favour of the appellant in relation to this appeal, I consider that the Council did not act unreasonably in raising the concerns that it did.

6. While it is the case that the production of a development brief or specific design guidance to be read in conjunction with the allocation of the appeal site could have assisted in shaping and considering the proposal, the absence of such documents is not, in itself, unreasonable. Although more general, the policies

within the development plan relating to matters of character and appearance provide sufficient guidance in order to allow adequate consideration of this matter.

7. I acknowledge that Council officers had previously supported another, larger housing scheme at the appeal site. However, it is also relevant that that proposal was also refused planning permission by the Council. Accordingly, the Council has not acted inconsistently in refusing this subsequent proposal.

8. Furthermore, it is not inherently unreasonable for members of a planning committee to reach a different view to Council officers, provided that adequate reasons are provided for doing so, and it is significant that Council officers did not support the proposal which is subject to the appeal related to this costs application, any event.

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR