Planning Inspectorate

Costs Decision

Site visit made on 11 February 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Costs application in relation to Appeal Ref: APP/A2525/W/25/3372173
Little London, Long Sutton PE12 9LE

- 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 Brownmoor Developments (Long Sutton) Ltd for a full award of costs against South Holland District Council.
- The appeal was against the refusal of planning permission for development described as "Proposed residential development of 123 dwellings as an amendment to current extant permission H11-0398-12 for 87 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 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 applicant claims the Council have acted unreasonably by preventing and delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, and also failing to produce evidence to substantiate the reasons for refusal.

4. The applicant describes that the proposal was brought forward co-operatively with Officers of the Council over a long period of time, including using pre-application advice, to ensure a suitable scheme was provided. Members of a Planning Committee, however, are not bound by an Officers recommendation and as can be seen from my Decision, I have found in favour of some of the reasons for refusal. It is worrying that Members do not seem to have discussed how the proposal does not accord with planning policy. The applicant has raised this matter and there is no evidence of the Members discussing policy within the minutes of the Planning Committee. Whilst this matter could be unreasonable behaviour, I note that policies of the South East Lincolnshire Local Plan were included in the reasons for refusal of the Councils decision notice. On this basis, it was clear to the applicant what the reasons for refusal were including associated planning policy. Therefore, I do not consider this has led to unnecessary or wasted expense for the applicant.

5. I have had regard to the award of costs with decision APP/N2535/W/25/3363211. I do not consider this award of costs to be directly comparable to the cost matters in this appeal, particularly with regards to the outcome of the appeal decision. In any case, I have determined this costs application on its own merits.

6. The Council's statement of case provides evidence to substantiate each reason for refusal and this evidence has regard to the development plan, national policy and other material considerations.

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

Chris Baxter

INSPECTOR