Planning Inspectorate

Costs Decision

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2026

Costs application in relation to Appeal Ref: 6007437
Land off Northgate, Pinchbeck, Spalding PE11 3SB

- 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 Glenn Harris for either a partial or full award of costs against South Holland District Council.
- The appeal was against the refusal of planning permission for a single-storey, 3 bedroom self-build innovative dwelling.

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. Both elements of this test must be satisfied.

3. The applicant seeks a partial award of costs in respect of two principal grounds, with a full award sought in the alternative. These relate to the Council's approach to matters concerning self-build and custom housebuilding, as well as alleged inconsistency in decision-making. It is also contended that the Council's conduct and lack of engagement resulted in a disproportionate escalation of the complexity and cost of the appeal.

Self-Build and Statutory Duty

4. It is contended that the Council acted unreasonably by failing to properly engage with the statutory framework relating to self-build and custom housebuilding and by failing to adequately evidence its position.

5. At the appeal, there was a substantial difference between the parties on a number of matters, including the methodology for assessing compliance, whether the Council had demonstrated compliance, and the weight to be given to self-build as a benefit. The applicant advanced a detailed and technical case on these issues. However, the existence of such disagreement between the parties does not in itself indicate that the Council acted unreasonably in refusing the planning application.

6. The Council's decision identified conflict with the spatial strategy of the development plan and accessibility of the site as the basis for refusal. The self-build status of the proposal was recognised and taken into account in the overall planning balance. Importantly, the Council did not assert that it was meeting its statutory self-build duty at the time of the decision.

7. While the applicant has identified limitations in the Council's evidence, including the absence of a clearly published position at the time of the decision, I am not persuaded that this amounts to unreasonable behaviour by the Council. The Council clearly had regard to the self-build nature of the proposal and exercised planning judgement in determining the weight to be attributed to it. The fact that I have reached a different view on weight reflects a difference in planning judgement rather than a failure of the Council to identify or consider relevant matters. Whilst the statutory duty is an important consideration, it does not prescribe the weight to be afforded in decision-making, which remains a matter of overall planning assessment. Much of the more detailed technical disagreement between the parties arose from evidence provided at the appeal stage rather than at the point of determination.

8. The Council's subsequent refinement of its evidence, including the position advanced during the appeal in relation to compliance with the statutory duty, does not demonstrate that the original decision was unreasonable. It is not unusual for parties to develop and refine their evidence at appeal in response to issues raised, particularly where technical matters are involved. The PPG does not require that a party's case ultimately succeeds, only that it is reasonably substantiated, which I am satisfied is the case here.

9. I have had regard to the Wolverley (Wyre Forest District Council) appeal decision[1], in which a partial award of costs was made against the Council in respect of self-build matters. However, that decision turned on its own facts. In that case, the Council had refused planning permission on the basis that it was meeting self-build demand, but subsequently failed to substantiate that claim with clear evidence and, crucially, had not followed a previous Inspector's findings. In the present appeal, the Council did not rely on a claim of compliance at the time of the decision. The circumstances are therefore not directly comparable, and I have reached my own view.

10. I therefore conclude that unreasonable behaviour has not been demonstrated in respect of this ground.

11. In any event, I am not persuaded that the Council's behaviour caused the applicant to incur unnecessary or wasted expense. The issues raised form part of the ordinary scope of a planning appeal of this nature. The matters in dispute, particularly the assessment of compliance with the statutory duty and the appropriate weight to be attached to self-build provision, were central to the appeal and would have required detailed consideration in any event.

Consistency in Decision-Making

12. The applicant contends that the Council acted unreasonably in failing to have regard to a recent planning permission for a self-build dwelling elsewhere in the District.

13. I recognise that consistency in decision-making is important. However, it is well established that each planning application must be determined on its own merits, having regard to the particular circumstances of the site and the proposal.

[1] APP/R1845/W/24/3352115

14. While comparisons have been drawn between the schemes, the Council has explained that differences exist. In any event, the officer's report in the present case clearly identified harm arising from conflict with the spatial strategy and accessibility considerations, which were matters the Council was entitled to take into account in reaching its decision.

15. The absence of explicit reference to another decision relating to a different proposal on a different site does not, in itself, demonstrate unreasonable behaviour. Nor does the fact that a different conclusion has been reached in this appeal indicate that the Council's decision was irrational.

16. I therefore conclude that unreasonable behaviour has not been demonstrated in respect of this ground.

Cumulative Arguments and Procedural Matters

17. I acknowledge that the applicant has undertaken a substantial amount of work in support of the appeal. However, the scale and complexity of that work largely reflects the nature of the case advanced, including detailed submissions on the statutory framework, policy application, and comparative analysis. The decision to pursue such detailed arguments does not demonstrate that the Council acted unreasonably, nor that the resulting costs were unnecessary or wasted.

18. While the National Planning Policy Framework encourages positive and proactive engagement, there was a fundamental difference between the parties on key matters, including the interpretation of the self-build statutory framework and the application of development plan policy. On the evidence before me, it is unlikely that those differences would have been resolved at the application stage, and the appeal process would have been required in any event.

Overall Conclusion

19. Although I have allowed the appeal, the evidence does not indicate that the Council acted unreasonably in refusing planning permission. The refusal was based on identified conflict with the spatial strategy and accessibility considerations, which I have also found to arise. The self-build nature of the proposal was recognised as a consideration affecting the planning balance, and the Council was entitled to exercise planning judgement as to the weight to be attributed to that matter, notwithstanding the statutory framework. My decision to allow the appeal was finely balanced. It cannot be said that the proposal was one which should clearly have been permitted.

20. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated, and an award of costs is not warranted.

A Caines

INSPECTOR