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## Costs Decision

Site visit made on 24 June 2020

by **Sarah Housden BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 July 2020

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### **Costs application in relation to Appeal Ref: APP/N2535/W/20/3245962 Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU**

- 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 Sath Vaddaram for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal planning permission for 'Demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping at 30 Wragby Road, Sudbrooke Lincoln LN2 2QU'.
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### **Decision**

1. The application for a full award of costs is refused.

### **Reasons**

2. 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 applicant's claim for an award of costs relates to procedural and substantive matters in relation to the determination of the planning application for the proposed development, including that the Council's Planning Committee has failed to properly exercise their development management responsibilities. The applicant considers that the appeal was unnecessary as the proposal met all national and local planning policy and was recommended for approval by planning officers. It is argued that the reasons for refusal are weak and ill informed.
4. The officer report sets out clearly and fully the relevant issues in this case. The Council's Planning Committee is not bound by a professional recommendation and is entitled to depart from this based on their planning judgement, provided that reasons are fully substantiated. I find that the reasons for refusal are clearly and fully set out in relation to the relevant development plan policies. Whilst the applicant clearly disagrees with the issues raised, that is a matter of planning judgement and does not constitute unreasonable behaviour by the Council.
5. Whether or not a proposed development can be considered 'sustainable' and its effect on the character and appearance of an area are primarily matters of planning judgement. Whilst I have found that the proposal would not conflict

- with the policies in the Central Lincolnshire Local Plan (2017) (LP) and Sudbrooke Neighbourhood Plan on these matters, this is an 'on balance' conclusion and it does not mean that the Planning Committee acted unreasonably in arriving at its own judgement in relation to sustainability and the effect of the development on the character and appearance of the area.
6. It is also argued that the deferment of the application following the first meeting of the Planning Committee to clarify the intended use of the proposed development was unnecessary and a 'delaying' tactic. However, the Planning Committee is entitled to seek further information to make a determination on a planning application where it considers necessary to do so. This does not amount to unreasonable behaviour by the Council.
  7. The power to award costs relates to costs necessarily and reasonably incurred in the appeal process. The PPG advises that costs awards cannot extend to compensation for indirect losses. Accordingly, the applicant's point that the delays associated with the planning application and appeal processes have resulted in increased development costs and lost income are not matters which I can take into account in my determination of this costs application.
  8. In conclusion I find that the Council did not behave unreasonably in determining the planning application and that the applicant's costs in mounting the appeal were not unnecessarily incurred. For this reason and having regard to all other matters raised, an award of costs is not justified.

*Sarah Housden*

INSPECTOR