



Costs Decision

Site visit made on 28 July 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Costs application in relation to APP/N2535/W/20/3248327 Chapel House, Bleasby Moor, Market Rasen, Lincolnshire LN8 3QL

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by SJ White for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of prior approval for proposed change of use from agricultural building to a dwelling house.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application centres on the applicant's claim that the Council: failed to act positively and proactively by identifying matters of concern in sufficient time and to a sufficient extent, prior to determination; and so (a) did not co-operate with the applicant and (b) prevented development which should clearly be permitted.
4. Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if, amongst other things, they lack co-operation with the other party or parties, or prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. Regarding the matter of co-operation, I find as follows. The Council gave the appellant an unhelpfully short time period - of less than 24 hours prior to determination - to respond to a request for an agricultural holding number (AHN). That said, although an AHN is not a requirement of the GDPO, the applicant was at liberty to address whether or not an AHN existed, in assembling their case in respect of agricultural use, at an earlier point in the process. In any case, an AHN has not been provided with the appeal.
6. In respect of the curtilage issue, the applicant was under a reasonable onus to submit a 'correct' red line boundary with their application.

7. It will be clear from my appeal decision that I have reached a different view from the Council regarding the proposed development.
8. Nevertheless, I conclude that in relation to matters (a) and (b) unreasonable behaviour is not decisively demonstrated. Furthermore, I have no certainty that, had the Council been more timely and proactive in respect of the above, their decision would have differed regarding agricultural use, or an appeal would have been avoided.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, the application for costs fails.

William Cooper

INSPECTOR