
Costs Decision

Hearing Held on 24 – 25 November 2020

Site visit made on 26 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Costs application in relation to Appeal Ref: APP/N2535/W/19/3225861 Good's Farm, Meadows Lane, Reepham, Lincolnshire

- 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 M Good and Son Limited for a full award of costs against West Lindsey District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for a proposed described as 'Demolition of brick-built barn and alterations and rebuilding of stone boundary wall'.
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Decision

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

Preliminary Matter

2. The application for an award of costs was made in writing before the hearing opened. The Council likewise responded to the application in writing prior to the hearing. The applicant was afforded a right of response at the hearing but no further comments when made. Thus, I have considered the application based on the written submissions before me.

Reasons

3. Irrespective of the outcome of the appeal, the Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
4. The applicants allege that the Council failed to take 'full account' of the highway safety matters and gave heritage comments 'disproportionate and undue weight'. In addition, the Council failed to provide advance notice of its decision and thus deprived them of an opportunity to enter into a dialogue.
5. The National Planning Policy Framework explains that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants. However, there is no requirement compelling local planning authorities to inform an applicant of how they are going to determine an application before doing so. The decision notice serves the purpose of clearly and concisely explaining how an application has been determined and, where applicable, the reasons for refusal. As such, the Council did not act unreasonably in failing to provide advanced notice.

6. It is clear from the submissions of the Council that it considered matters of highway and public safety – they were discussed in the Officer's report and it was a matter commented upon by the Highway Authority at the request of the Council. There is no evidence before me to suggest the Council did not consider a key document or piece of evidence. It therefore took full account of the matter. The Planning Practice Guide¹ explains that it is for the decision maker to decide the weight given to a material consideration. Thus, in these circumstances, the Council were entitled to give the weight it saw fit.
7. Similarly, the Council were demonstrably in full knowledge of the applicant's case regarding the significance of the heritage assets and how the proposal would be affected by the proposal. The Council's assessment was supported by expert advice and followed a site visit. Thus, the judgments it reached in respect of how much weight to give this matter were informed and thus reasonable. The applicants have not provided substantive evidence to support the allegation that the weight given to heritage harm was 'disproportionate'. I did not share the Council's views in this respect, but the Council's position was logical and well-reasoned and therefore reasonable.

Conclusion

8. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and therefore an award of costs would be unjustified.

Graham Chamberlain,
INSPECTOR

¹ Paragraph 009 Reference ID: 21b-009-20140306