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## Costs Decision

Site visit made on 12 January 2021

by **G Rollings BA (Hons) MAUD MRTPI**

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

Decision date: 11 March 2021

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### **Costs application in relation to Appeal Ref: APP/N2535/W/20/3259683 Salisbury, Main Street, Grasby, Barnetby, DN38 6AH**

- 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 Ian Manser for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for the erection of a single storey dwelling with associated parking.
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### **Decision**

1. The application for an 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.<sup>1</sup>
3. The applicant states that the Council has reused a reason for refusal for an issue previously found acceptable by Inspectors for preceding appeals<sup>2</sup> on the site, the latter of which was similar in design to the one before me. Two reasons for refusal were also produced by the Council which were not included in the previous applications or appeals.
4. In respect of the first matter, the representation from an occupier of The Old Chapel states that the proposed windows facing towards that dwelling are a new addition to the most recent design. This does not accord with the applicant's statement that the design of the current scheme, and the more recent of the previous appeal schemes, are similar. I do not have the previous plans as evidence before me. However, there are two different versions of the proposed floorplan are shown in the appeal plans, which indicate a different arrangement of windows in the wall closest to The Old Chapel. Both were before the Council at the time of its decision. The floorplan and elevation on plan 03 rev. D shows fewer windows than that on plan 04 rev. F. This could lead to understandable differences in the parties' interpretation of the proposal.
5. Due to this element of doubt, I cannot be wholly convinced that the current proposal is directly comparable to the previous scheme, in a manner that would

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<sup>1</sup> PPG reference ID: 16-028-20140306; revision date: 06 03 2014.

<sup>2</sup> Appeal decisions APP/N2535/W/17/3189369; decision date: 26 March 2018; and APP/N2535/W/19/3237412; decision date: 20 December 2019.

preclude the Council from applying the relevant reason for refusal. I therefore find that the Council has not acted unreasonably in this regard.

6. On the second matter, the applicant suggests that the Council has not adequately justified its reasons for refusal, and that in any case both could have been overcome with the use of planning conditions. I do not agree that the Council's justification is inadequate, and consider the reasons for refusal to be reasonably detailed, and that the background as set out in its evidence to provide clear reasoning that led to a logical outcome, where it clearly found that the proposal conflicted with the development plan. Although I reached a different decision both in regard to the conflict and mitigation with conditions, I do not consider the Council's approach to be unreasonable.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*G Rollings*

INSPECTOR