



Costs Decision

Site visit made on 23 August 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Costs application in relation to Appeal Ref: APP/N2535/W/21/3268181 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 of Vaddaram Ltd for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for removal of existing dwelling and erection of 1no. dwelling house with associated access alterations, vehicle parking and landscaping.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has behaved unreasonably in refusing the application when an Inspector in respect of a previous appeal¹ had determined that all elements of the proposal were satisfactory.
4. That previous appeal related to a house in multiple occupation (HMO), and the Inspector had concluded that the noise and disturbance arising from the proposal would cause material harm to the residents of an adjacent property. In part, these concerns stemmed from vehicle movements associated with a proposed rear parking area.
5. In respect of the appeal before me, the Council's reason for refusal was based on issues related to noise and disturbance and did not refer to matters which the previous Inspector had considered were acceptable. The current appeal is for a single dwelling, which is a different form of use than the HMO considered previously. Nevertheless, the current appeal would also introduce traffic movements into an area of rear gardens which is an important secluded amenity area for residents.
6. I have had regard to the evidence provided by the appellant, including a Noise Impact Assessment. However, there is a subjective element to the consideration of noise and disturbance. I have disagreed with the Council in

¹ Appeal Ref: APP/N2535/W/20/3245962

that I have concluded that the activities associated with a single dwelling would not warrant the refusal of planning permission. Nevertheless, considered objectively and in context, the Council's concerns on this matter are not so unjustified or without foundation as to represent unreasonable behaviour.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

David Cross

INSPECTOR