



Costs Decision

Site visit made on 22 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Costs application in relation to Appeal Ref: APP/N2535/W/21/3280194 Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU

- 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 Mr Sath Vaddaram, Vaddaram Ltd for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for as 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 - resubmission of planning application 140180.
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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: (a) made vague, generalised and inaccurate assertions about the proposal's impact, which were not supported by objective analysis and evidence; and (b) persisted in objections to elements of a scheme which an Inspector previously indicated to be acceptable.
4. PPG indicates that local planning authorities will be at risk of an award being made against them if they make vague, generalised and inaccurate assertions about the proposal's impact, not supported by objective analysis and evidence, or persist in objecting to elements of a scheme which an Inspector has previously indicated to be acceptable.
5. In respect of matter (a) I see some evidence in the Council's Appeal Statement, and the Planning Committee Minutes of 3 February 2021 of the rationale behind their decision to refuse planning permission.
6. It will be clear from my appeal decision that I have reached a different view from the Council regarding the impacts and suitability of the proposed development. Nevertheless, given the importance of safeguarding neighbours' living conditions, and some local residents' concerns about noise and other

matters, the Council was entitled to reach their planning judgement on matters cited in the reasons for refusal.

7. Regarding matter (b), the submission of the appellant's Noise Impact Assessment post-dates the previous Inspector's appeal decision¹. As the NIA was not available to the previous Inspector, they did not indicate their view on its content and application to the previous appeal case. Furthermore, as the previous Inspector dismissed the previous appeal on noise grounds, they did not previously indicate the appeal scheme to be acceptable. Consequently, the Council did not persist in objections to elements of a scheme which an Inspector previously indicated to be acceptable.
8. To conclude, I find that in relation to matters (a) and (b), the Council's behaviours was not unreasonable

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

¹ Appeal Ref: APP/N2535/W/20/3245962, dated 15 July 2020.