



Costs Decision

Site visit made on 28 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Costs application in relation to Appeal Ref: APP/N2535/W/22/3313280 Egmont, 23 Wragby Road, Sudbrooke, Lincoln, Lincolnshire 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 for a full award of costs against West Lindsey District Council.
 - The appeal was against a refusal to grant planning permission for demolition of existing house and construction of a new self-build replacement two and a half storey dwelling and detached garage with accommodation at first floor level without complying with a condition attached to planning permission Ref 139843, dated 24 October 2019.
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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.
3. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include where a local planning authority fails to produce evidence to substantiate each reason for refusal on appeal or where vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The appellant suggests that the Council failed to have the correct personnel present at its Planning Committee meeting to present the key points of their application. However, the detailed position of the case officer was set out in the report that was before the Planning Committee. It is not unusual for another planning officer to present an application on that basis.
5. In terms of whether there was a misrepresentation of the scope of the application under consideration, I note that the report that was before the Council's Planning Committee included that there was an extant fallback position and that the focus of the proposal was therefore on the amendments to the roof over the car port. The declaration of interests by councillors present at the Planning Committee meeting are a separate matter for the Council to monitor.
6. Notwithstanding the above, the Council's case is particularly lacking in detail and largely relies on the minutes from the Planning Committee meeting. In the absence of any detailed evidence to support the Council's case I have a degree

of sympathy with the appellant. However, the members of the planning committee are not duty bound to accept the recommendations of its officers. While I have reached a different conclusion to the Council, there is a degree of subjectivity as to whether the proposal would be likely to effect neighbouring living conditions. Given the proposal increased the size of the roof over the car port and added windows, I do not find that it was unreasonable for the Planning Committee to come to its own view on such matters.

7. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR