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## Costs Decision

Site visit made on 26 June 2024

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2024**

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### **Costs application A in relation to Appeal Ref: APP/N2535/W/24/3337002 Hillcrest Park, Caistor, Lincolnshire LN7 6TG**

- 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 Oliver Lawrence for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for the erection of 1no wind turbine.
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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 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. The Guidance also indicates that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.
3. The Applicant considers that the Local Planning Authority was unreasonable in asking for either agreement to a planning condition or legal agreement to secure mitigation for impacts on aviation systems, in asking for a full LVIA to be submitted, and in requiring further noise evidence. It is considered that this unreasonable behaviour by the Council justifies an award of costs.
4. In this case, the Local Planning Authority refused permission on the basis of a conflict with planning policies contained within its adopted development plan. This is in accordance with section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended. Furthermore it is a normal and standard part of the planning process. As such, I do not find that it is unreasonable for the Local Planning Authority to have exercised its powers to refuse permission.
5. Moreover, the Appellant was given an opportunity to provide further information before the planning committee meeting to address the concerns raised on various issues. Whilst further information was provided, it did not address site specific mitigation, for example in terms of the impact on local aviation systems, or site specific impacts, for example on the occupiers of the nearby residential dwelling.
6. In adopting such an approach, where further information was sought, accepted and then considered, I can find no fault with the Council's approach in this

instance. I do not find, therefore that the Council's behaviour was unreasonable in this respect.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for costs is therefore refused.

*C Parker*

INSPECTOR