



Costs Decision

Site visit made on 22 September 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Costs application in relation to Appeal Ref: APP/N2535/D/25/3363760

23 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 for an award of costs against West Lindsey District Council.
 - The appeal was against the refusal of the Council to grant planning permission described as 'Planning application for 4 sections of railings on the front boundary wall and retrospective Planning application for retention of 4 piers above 1m from the ground level'.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant's claim for an award of costs relates to procedural and substantive matters. These are briefly summarised as follows:
 - misinterpretation of planning policies by considering elements of the proposal that were not part of the planning permission;
 - unduly influencing the public as the Council's initial description of development was not what the applicant applied for;
 - not determining cases in a consistent manner; and
 - failing to engage positively and cooperate with the applicant.
4. The applicant has not drawn my attention to any well-established case law that suggests the assessment should be restricted only to the elements that they considered were not permitted or permitted development. As I have set out in my decision letter, the elements shown on the submitted plans have not been shown to be clearly severable, and the four pillars and railings would not be capable of being built and then used for their intended purpose without the 9.99cm wall in particular. Therefore it was entirely correct and reasonable to assess the visual effect of the proposal in the context of the structure/s that are required to support them. The Council's assessment was not vague, generalised, inaccurate or unsupported by objective analysis, and therefore cannot be found to be unreasonable.
5. The applicant contends that the Council issued public consultation letters with an incorrect application description. From the information before me, the Council's

application site notice, notification letters, and the appeal notification letters dated all contain the applicant's version of the description of development. Therefore, although I cannot be certain that notifications were not sent out with a different description of development, there is no evidence this deliberate or manifestly untrue. The Council also appears to have rectified this before the application was determined, and before public comments were submitted. It has not been shown that this amounted to unreasonable behaviour, or that .

6. Consistency in decision-making is important both to developers and local planning authorities because it serves to maintain public confidence in the operation of the development management system. But it is not a principle of law that like cases must always be decided alike. The examples provided at 24 and 65 Wragby Road, were not developments that I have any evidence that the Council had received a planning application for. In any event, as can be seen from my decision, I have not found these or any other examples, including 30 Wragby Road, to be similar cases for these to have any overriding outcome on the appeal. Therefore I cannot agree that the Council have acted unreasonably in relation to its consistency decision making.
7. I have not been made aware of any enforcement plan the Council may have which sets out how they investigate alleged cases of unauthorised development. However, in relation to the enforcement action at 65 Wragby Road, the Council correctly identified that development is immune from enforcement if no action is taken within 4 years of the breach of planning control. It has not been demonstrated that the Council has acted unreasonably by undertaking enforcement action on this site in comparison to other sites, or that it could have acted any differently.
8. The applicant asserts that the Council should have been more pro-active even when considering a retrospective proposal. Even if the proposal is disaggregated from other parts, the Council is not obliged to suggest amendments, particularly during the short time frame within which it should determine planning applications. In my view, alternative scheme or amendments are matters for the applicant to address as part of the proposal, or through pre-application discussion. Determining the proposal within the relevant period, in my view is positive and proactive.
9. The fact that previous appeals have been allowed does not mean that the Council acted or misinterpreted case law or its development plan policies and therefore acted unreasonably in this case. There is often a degree of subjectivity in consideration of matters and those put forward in support of proposals at appeal.
10. Overall, none of the above to me, clearly fall within unreasonable behaviour which may give rise to procedural substantive award as suggested within the PPG. Nor is it apparent that an appeal could have been avoided. It is not within my remit in this decision to determine whether elements of the proposal that have not been applied for are permitted development.

Conclusion

11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Williams INSPECTOR