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## Costs Decision

Site visit made on 18 July 2017

by **S Jones MA DipLP**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 August 2017

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### **Costs application in relation to Appeal Ref: APP/N2535/W/17/3172399 Land rear of 3 The Green, Ingham, Lincoln LN1 2XT**

- 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 Mrs Heather Williams for an award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for proposed 5 new detached dwellings with detached double garages to land at the rear of 3 The Green, Ingham.
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance advises that, irrespective of outcome, costs may be awarded against a party who has behaved unreasonably, and where as a consequence another party has incurred unnecessary or wasted expense in the appeal process.
3. The Appellant states that costs should be awarded because the local planning authority have acted unreasonably by failing to pragmatically assess the proposals against current policy and local housing needs despite its compliance with policies, and that the necessity of an appeal could have been spared.
4. It was agreed by the Council that the site lies within the village boundary of Ingham, and this was not disputed, so there is no unreasonable behaviour in that respect.
5. The Council state they can currently demonstrate a 5 Year deliverable supply of housing in accordance with the recently adopted Central Lincolnshire Local Plan 2017. The supply and its deliverability will have been proved in the course of the Local Plan Examination and the plan making process, as required. There was no evidence produced in the course of the application or appeal to substantively challenge that or to demonstrate why it would not now be delivered, and so I consider the Council have acted reasonably in that respect also.
6. Overall the Councils Decision was substantiated in their Officer Report. I find that the Council have not acted unreasonably in assessing this proposal against the policies and local housing needs, and that the site would be precluded because the required level had already been supplied and the further requirements for housing in Ingham above the 15% level set by policy were

not fulfilled in respect of this development. It was clear that the development did not comply with the relevant development plan policies. Consequently the appeal could not have been avoided.

**Conclusion**

7. Therefore I conclude that unreasonable behaviour has not arisen in this instance, and no consequential unnecessary or wasted expense has been incurred. For this reason, and having regard to all other matters raised, an award of costs is not justified

*S Jones*

INSPECTOR