



Costs Decision

Site visit made on 15 August 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 11 September 2017

Costs application in relation to Appeal Ref: APP/N2535/D/17/3179121 23 Ashfield, Sturton-by-Stow, Lincoln LN1 2BN

- 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 Julia Wallhead for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for erection of a sunroom to front of property.
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Decision

1. The application for a full 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. Paragraph 49 of the PPG sets out examples of unreasonable behaviour by local planning authorities. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material consideration and failure by the planning authority to substantiate a stated reason for refusal of planning permission.
4. The appellant states that the Council's conduct in determining the planning application leading to the appeal was unreasonable for two reasons. Firstly, the Council has refused an application which, the appellant argues, is identical to one that was given consent in 2009. In addition, the appellant states that the Council has failed to give clear justification why the change in development plan policy warranted a different decision. Furthermore, the appellant argues that neither current local nor national policies contain any provision which would warrant such an approach.
5. The Council has responded by stating that although permission was granted for the appeal scheme in the past, in 2009, changes to the planning system in the intervening period, such as the introduction of the National Planning Policy Framework (the Framework) and more recently the Central Lincolnshire Local Plan now place a strong focus on design standards within new developments.
6. Firstly, development proposals must be assessed against the relevant current and up-to-date policies of the development plan. The current policy context

differs from that which existed in 2009 by placing a greater emphasis on design matters. As a result, in my view, the Council has correctly assessed the proposal within the up-to-date planning policy context and, in doing so, has acted reasonably, clearly and justifiably.

7. Secondly, the appellant states that the conduct of a Council Member, in supporting a neighbour's objection to the proposal, amounted to unnecessary and inappropriate interference in the appeal application. Furthermore, the appellant argues that the involvement of the Council Member significantly influenced the Council's decision to refuse the application which was, in all ways, identical to an application previously approved. As a result, the appellant claims that the Council failed to apply Paragraph 14 of the Framework in this case and therefore carried out an incorrect planning balance.
8. The Council argues that all comments relating to the original application, including those from the Council Member, were duly considered and given the correct weight in the determination of the proposal. Furthermore, it is stated that no single objection was given more weight than any other.
9. From what I have seen and read, I have no substantive cause to consider that the Council gave any more weight to the views of the Council Member than was appropriate. As a result, I find that the Council's approach to determining the proposed development was correct and fair and, in my view, the proposal was reasonably assessed by the Council against the requirements of the relevant up-to-date local and national policies. Therefore, I find that the Council was reasonable and justified in its assessment of all relevant representations and has referred to appropriate policy to substantiate its reasons for refusal.
10. Therefore, having due regard to the above and all other relevant matters, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for costs is refused.

Andrew McCormack

INSPECTOR