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## Costs Decision

Site visit made on 22 October 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

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### Costs application in relation to Appeal Ref: **APP/Y2003/W/25/3370758**

#### **4 Holme Hall Avenue, Bottesford, North Lincolnshire DN16 3PY**

- 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 TES Property Services Ltd for a full award of costs against North Lincolnshire Council.
  - The appeal was against the refusal of planning permission for construction of rear extension (infill), conversion of garage into study room, and change in fenestration in front elevation.
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### Decision

1. The application for an award of costs is allowed in the terms set out below.

### Reasons

2. Parties in planning appeals normally meet their own expenses. However, Planning Practice Guidance (PPG)<sup>1</sup> 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. It is entirely legitimate for Elected Council Members to make a decision which is contrary to the recommendation of the Council's officers. PPG<sup>2</sup> advises that members must only take into account material planning considerations when determining an application and that local opposition is not in itself a ground for refusing planning permission, unless it is founded upon valid material planning reasons. In this instance, Members have decided to refuse planning permission for two reasons, one relating to highway safety and the other relating to the character and appearance of the area.
4. There was no objection to the proposed development from the Local Highway Authority. Furthermore, the appeal property includes an amount of car parking which is significantly above the minimum standard specified within the Parking Provision Guidelines<sup>3</sup>. Neither when making their decision, nor when defending the appeal has the Council explained why the technical advice was not material or should be discounted. Instead, the Council has provided generalised and inaccurate assertions about the effect of the proposal without their own substantive technical evidence. In particular, within its response to the application for costs, the Council highlight a concern with the intensification of use, when the appeal proposal does not include a change of use beyond what has been previously permitted or propose an increase in the level of occupancy.

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<sup>1</sup> Planning Practice Guidance, Appeals, Paragraph: 028 Reference ID: 16-028-20140306

<sup>2</sup> Planning Practice Guidance, Determining a planning application, Paragraph: 016 Reference ID: 21b-016-20140306

<sup>3</sup> Parking Provision Guidelines for New & Change of Use Developments, North Lincolnshire Council

5. The second reason for refusal concerns the effect of the proposal on the character and appearance of the area. The Council has substantiated this reason for refusal by highlighting areas where the appeal property may be considered different to neighbouring properties. Whilst I disagree with the Council's assessment, its decision making process with regard to this matter was logical. As such, the Council did not act unreasonably when imposing the second reason for refusal.
6. For this reason, I cannot conclude that the Council prevented development which should clearly be permitted. Therefore, a full award of costs is not justified in this instance. Nonetheless, the Council acted unreasonably by imposing the first reason for refusal specified on the Decision Notice. This resulted in the applicant incurring an unnecessary and wasted expense, in respect of producing representations to address the first reason for refusal. A partial award of costs is therefore warranted.

### **Costs Order**

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Lincolnshire Council shall pay to TES Property Services Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in producing representations to address the first reason for refusal specified on the Decision Notice; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to North Lincolnshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

  
INSPECTOR