



Application for Award of Costs

**OUTLINE PLANNING PERMISSION TO ERECT UP TO SIX DWELLINGS,
WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION**

LAND NORTH OF PEPLOE LANE, NEW HOLLAND, DN19 7PS

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1.0 INTRODUCTION

1.1

This statement contains further details in support of the Appellant's grounds for a claim of costs against North Lincolnshire Council (the LPA). It should be read alongside the costs application form and the appeal Statement of Case in respect of the appeal pursuant to application PA/2025/421.

1.2

The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).

1.3

This claim for costs refers to the National Planning Policy Guidance (Paragraph: 049 Reference ID: 16-049-20140306) and in particular the following circumstances within that guidance which it is indicated could lead to a substantive claim for costs:

- Failure to produce evidence to substantiate each reason for refusal on appeal.
- Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

1.4

These points are expanded upon below.

2.0 Failure to produce evidence to substantiate each reason for refusal on appeal

And,

Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

2.1

The planning application was refused by the LPA's planning committee members, contrary to the advice of planning officers, for the following reason:

1. The proposed development is considered contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the North Lincolnshire Core Strategy in that the majority of the site lies outside a defined settlement boundary, in the open countryside. In addition, no evidence has been provided to justify a special need for new dwellings in this location.

2.2

The reason for refusal is fundamentally flawed. Due to the widely acknowledged lack of 5-year housing land supply in North Lincolnshire, only limited weight should be afforded to the referenced Local Plan policies. Committee members have gone against officer advice and seemingly given full weight to the determinative Local Plan Policies. This is evidenced in the request for evidence of a special need for new dwellings in this location.

2.3

The LPA (via Planning Committee Members) have consequently failed to adhere to Paragraph 11(d) of the National Planning Policy Framework and have not applied the tilted balance nor the presumption in favour of sustainable development.

2.4

The LPA have failed to recognise the site as logical infill (despite the defined settlement limits) and therefore the limited impact the site would have on the character of the countryside. The LPA have also therefore failed to recognise that the proposal is compliant in all other respects and that there are no adverse impacts that would significantly and demonstrably outweigh the benefits.

2.5

The LPA have also not applied the correct level of weight (despite being clearly outlined in the Officer's recommendation) to the provision of new housing in the context of the 5-year housing land supply shortfall.

2.6

Bringing this together, the LPA have failed to recognise that the benefits of the proposal outweigh the limited harm and limited conflict with the development plan.

2.5

The minutes of the meeting of 14th January 2026 (which are in Draft form at the time of writing) are extracted below.

One Councillor (Councillor 1) stated that the application “was not in keeping with the area”.

The same Councillor also expressed that they disagreed with the Highways Assessment and that they had drainage concerns and with the risk of flooding at the site.

Another Councillor (Councillor 2), seemingly in response to the first Councillor's comments was said to point out that there was a housing development opposite the application site,

which was not in the open countryside. The site was an infill plot with no objection from the Environment Agency.”

2.6

There is nothing in the minutes that detail how the Committee arrived at the reason for refusal, other than that it was proposed by Councillor 1 and seconded by another (Councillor 3).

2.7

This is a clear failure to produce evidence to substantiate each reason for refusal on appeal and represents vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

2.8

This represents clear unreasonable behaviour.

3.0 CONCLUSION

3.1

In light of the above, a claim is made for the full cost of this appeal as the Council is deemed to have acted unreasonably in the context of the National Planning Policy Guidance (Paragraph: 049 Reference ID: 16-049-20140306) in the following ways:

- a) failure to produce evidence to substantiate each reason for refusal on appeal.
- b) Vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.