



Costs Decision

Site visit made on 19 September 2016

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

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

Decision date: 5 October 2016

Costs Application in relation to Appeal Ref: APP/Z2830/D/16/3151125 'Grain Mill', 'Preston Deanery Grange', Preston Deanery Road, Preston Deanery, Northamptonshire NN7 2DT

- 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 K Howard for a full award of costs against South Northamptonshire Council.
 - The appeal was made against the refusal of planning permission for the construction of a single storey porch.
-

Formal Decision

1. I refuse the application for an award of costs against South Northamptonshire Council.

Submissions on behalf of Mr K Howard

2. The appellant points out the aims of the costs regime and argues that the Council failed to consider the application which is the subject of this appeal on its own merits, taking account of additional information since the refusal of an earlier scheme. It is also argued that the Council's architectural appraisal of the appeal building was inadequate.

Submissions by South Northamptonshire Council

3. The Council defended their refusal of planning permission based on a criticism of the design of the proposed extension. They argue that the appellant's application for costs is merely based on an assertion that planning permission ought to have been granted by the local planning authority.

Reasons

4. The 'Planning Practice Guidance' 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.
5. The Council's refusal of planning permission was based, essentially, on a matter of judgement about the effect of the proposals on the character and appearance of the host building. I accept that the Council's appreciation of the west elevation of the building was flawed in detail and it is evident that they did not reconsider the proposals carefully, relying heavily on their conclusions

in relation to a previous application. Even so, it is plain that their rejection of the design was based on their conclusions about the architectural qualities of the proposed porch.

6. I am conscious that the outcome of this appeal turned, essentially, on a matter of judgement about the effect of the proposals on the character and appearance of the host building. Design issues are inevitably subjective to a considerable degree and I accept that the Council did have reasonable grounds for their subjective judgement, even though their arguments have not been persuasive and I have allowed the appeal, in consequence.
7. I have had regard to the guidance contained in the 'Planning Practice Guidance' (including the guidance given in respect of the local planning authority's handling of the planning application) and, in my opinion, the weaknesses in the Council's case have not been of such a nature as to amount to unreasonable behaviour, bearing in mind the principle that the parties to a planning appeal normally meet their own expenses.
8. Notwithstanding the Council's behaviour, therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated. Hence, I have refused the application for an award of costs against South Northamptonshire Council.

RC Shrimplin

INSPECTOR