
Costs Decision

Site visit made on 11 October 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 24 October 2016

Costs application in relation to Appeal Ref: APP/V2825/W/16/3154685 343 Wellingborough Road, Northampton NN1 4ER

- 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 Colin Clayson Family Settlement Trust for a full award of costs against Northampton Borough Council.
 - The appeal was against the refusal of planning permission for change of use from offices (use class B1) into House of Multiple Occupation for up to 5no. occupants (use class C4) including rear dormer extension and 2no. velux roof lights.
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Decision

1. The application for an 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. The appellant states that the Local Planning Authority (LPA) was unreasonable within the terms described in Paragraph 049 Reference ID: 16-049-20140306 of the PPG, as the proposal complies with the development plan, national policy and there were other material considerations that the Council failed to take into account when reaching its decision. The appellant states that in determining the appropriate level of car parking for the proposed development, the LPA and the Local Highway Authority (LHA) focused solely on the capacity of the local highway network to accommodate parked cars and had no regards whatsoever to the sites sustainable location and access to public transport which warranted a reduction in provision.
 4. In this case, the reason for refusal has been adequately substantiated by the Council in its officer report. The officer report demonstrates the Council's view as to how they consider the additional car parking associated with the development would affect highway safety in the area, taking into account the local and national policies, the location and accessibility of the development and the evidence submitted by the appellant, the LHA's and Council's observations and third party representations.
 5. The reason for refusal set out in the decision is complete, precise, specific and relevant to the application. It clearly states the National Planning Policy Framework and the Council's House in Multiple Occupation Interim Planning
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Policy Statement 2014 as the appropriate supporting planning documents that the proposal would be in conflict with.

6. The appellant has also expressed concern that the Council has not determined similar cases in a consistent manner. The LPA's submission covers the Houses in Multiple Occupation (HiMOs) development granted planning permission at 219-225 Wellingborough Road and adequately demonstrates the Council's views and reasoning as to why it had reached its decision on the merits of the proposal.
7. The LPA's submission and supporting evidence clearly shows that the Council actively engaged with the appellant during the application process and carried out their duty to assess the development proposal as submitted.
8. It will be seen from my decision that I do not agree with the Council on the merits of this development. However, these are matters of planning judgement based on an assessment of fact and degree of the effects on the main issues relating to the development. The Council was entitled to form its own views about the impacts of the development even though for the reasons set out in my appeal decision I have reached a different conclusion on the planning merits of the case. Nonetheless for the reasons that I have given, I cannot agree that the Council has acted unreasonably in this case.
9. I therefore find that unreasonable behaviour by the Local Planning Authority resulting in unnecessary or wasted expense which would lead to an award of costs, as described in the PPG, has not been demonstrated.

David Troy

INSPECTOR