
Costs Decision

Site visit made on 25 October 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 8th November 2016

Costs application in relation to Appeal Ref: APP/Z2830/W/16/3153398 4 Church Street, Silverstone NN12 8XA

- 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 F Tant for a full award of costs against South Northants District Council.
 - The appeal was against the refusal to grant consent agreement or approval to details required by a condition of a planning permission for demolition of existing dwelling and erection of two new dwellings.
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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's application for an award of full costs is based on the unreasonable behaviour of the Local Planning Authority (LPA) resulting in unnecessary or wasted expense in the appeal process. The appellant states that the LPA has behaved unreasonably as the changes to the proposal were neither justified nor required by any policy or other material considerations and that the refusal was unnecessary. The appellant also states that the Council's reason for refusal fails the requirement for clarity and relevance.
 4. In this case, the reason for refusal set out in the decision is complete, precise, specific and relevant to the application. It also clearly states the policies of the West Northamptonshire Joint Core Strategy 2014 and the South Northamptonshire Local Plan 1997 and the sections contained in the National Planning Policy Framework (the Framework) that the proposal would be in conflict with. It also clearly states the Supplementary Planning Guidance on Residential Design in the Countryside 1998 as an appropriate supporting planning document that the proposal would be in conflict with.
 5. The reason for refusal has been adequately substantiated by the Council. The officer's report demonstrates the Council's view as to how the proposal would affect the character and appearance of the area including Silverstone Conservation Area (CA), using the evidence submitted by the appellant, third party representations and the Council's observations. The LPA submission
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- clearly sets out the relevant paragraphs in the Framework that the proposal would be in conflict with.
6. The Council also acknowledge that the Silverstone Conservation Area Appraisal and Management Plan 2015 is relevant and should have been referred to in this instance. Whilst the Council could be judged to have failed in this respect, I consider the reasons for refusal and the officer's report provide sufficient clarity to substantiate the details of the development that were considered unacceptable in this case.
 7. The Local Planning Authority'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. Whilst I appreciate the appellant's concerns regarding the changes, the LPA state that the revised plans submitted in May 2016 were not requested from the appellant and considered that the large number of amendments required would cumulatively result in a materially different proposal which would necessitate re-consultation with the public and stakeholders, which was considered too late in the application process. In this instance, I consider that the LPA acted reasonably and in accordance with the Council's Protocol on 'Negotiating Submitted Applications' 2015 in relation to the revised plans. The protocol outlines that amendments will not be accepted where, for example, significant changes to the character and appearance of the development occur.
 9. It will be seen for the reasons set out in my appeal decision, I concur with the Council on this case that there were sufficient grounds relating to the harm caused by the proposed development to the character and appearance of the area including the CA for refusing to approve the details required by the conditions of the outline planning permission¹ on the site. I came to that decision based on my consideration of the details and merits of the development, having regard to all the evidence and other matters raised. Accordingly, I consider that the Council has shown that it was able to substantiate its reasons for refusal and cannot agree that the Council has acted unreasonably in this case.
 10. 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

¹ S/2014/1866/OUT