

Costs Decision

Site visit made on 17 October 2016

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 19 December 2016

**Costs application in relation to Appeal Ref: APP/P2935/W/16/3151673
Former Ravensmount Care Home, Alnmouth Road, Alnwick,
Northumberland, NE66 2QG**

- 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 Dr Anton Lang against the decision of Northumberland County Council
 - The appeal was against a grant of planning permission Ref 16/00451/FUL for 'change of use of existing care home to hotel' subject to conditions.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Practice Guidance) advises that costs may be awarded against a party who has behaved unreasonably and this has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The basis of the appellant's claim is that the appeal could have been avoided as planning permission should have been granted for the change of use of the former care home to a hotel without the disputed conditions. It is further argued that the conditions are not based on any robust evidence which demonstrates that the development would cause material harm to either the site or to the living conditions of adjoining occupiers.
 4. The variation of condition 2 in my main decision has been done to correct a typographical error which could have been readily resolved between the appellant and the Council.
 5. The Practice Guidance establishes that unreasonable behaviour can include vague, generalised or inaccurate assertions about a proposal's impact which are not supported by any objective analysis. However, in this instance conditions 3 and 4 which required details of mechanical ventilation/extraction to be agreed together with monitoring were imposed in response to the comments from the Environmental Health officer. Such requirements are not uncommon where commercial premises are located in close proximity to dwellings. Whilst my main decision varies condition 3, this is to address an incorrect reference and the substance of the condition remains intact. The Council did not act unreasonably in imposing conditions 3 and 4.
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6. Condition 5 has been varied in my main decision to require a Travel Plan and details of the arrangements for the manoeuvring of delivery vehicles and cycle parking. The reason for imposing the condition was to secure compliance with the adopted parking standards set out in the Alnwick Local Plan and in response to the comments of the Highway Authority. Whilst I have found that the condition did not fully indicate the precise requirements being sought by the Highway Authority, in seeking to resolve these matters before the use of the building as a hotel commenced the Council did not act unreasonably.
7. Whilst the appellant indicates that the Council failed to recognise the acceptability of the proposal without the conditions, weighing up the impact of a proposed development is a matter of judgement and does not mean that the Council acted unreasonably in its determination of the application.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Practice Guidance has not been demonstrated and that the applicant's costs in mounting the appeal were not unnecessarily incurred. For this reason and having regard to all other matters raised, an award of costs is not justified.

Sarah Housden

INSPECTOR