The Planning Inspectorate

Costs Decision

Site visit made on 19 April 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 31 May 2017

Costs application in relation to Appeal Ref: APP/Y2810/W/17/3166764
Yew Tree Cottage, 21 Yew Tree Lane, Spratton, Northamptonshire NN6 8HL

- 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 Oastlodge Ltd for a partial award of costs against Daventry District Council.
- The appeal was against the refusal of an application for planning permission for the demolition of existing house and garage and construction of two new dwellings along with new residential car ports & annexes.

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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.

3. It also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.

4. The crux of the case before me in this respect stems from the applicant's assertion that the case the Council presented for the retention of the existing cottage was over stated. They cite that the cottage is neither listed nationally or locally or in a Conservation Area. The applicant states that they have had to engage a specialist consultant to address the Council's concerns in this respect which has meant unnecessary expense.

5. My findings on the merits of the appeal aside, the Council have explained in detail as to why they consider the cottage to be of merit and thus worthy of retention in the context of the contribution it makes to the character and appearance of the area. In so doing, they fully acknowledge that the building is not a designated heritage asset. An attempt to have the building listed was refused by the relevant body.

6. Nevertheless, the Council being clear and detailed in their findings on the merits of a scheme before them concerning matters of subjective planning judgement does not amount to being unreasonable. Further, the engagement of a specialist consultant was the choice of the applicant and I have no compelling evidence before me that it was a decision they were forced into.

7. It is for this reason that I do not consider the Council's conduct has amounted to unreasonable behaviour. Unnecessary expense during the appeal process has not been demonstrated and as such an award of costs is not justified.

John Morrison

INSPECTOR