
Costs Decision

Site visit made on 3 May 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 1 June 2017

Costs application in relation to Appeal Ref: APP/H2835/W/17/3170127 Land rear of 130-138 Finedon Road, Wellingborough, Northamptonshire

- 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 Mrs Carol Bell for a full award of costs against Borough Council of Wellingborough.
 - The appeal was against the refusal of planning permission for a four bedroom detached dwelling.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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 goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. I do not consider that the Council acted unreasonably in coming to the view that the proposal would conflict with policies relating to the provision of allotment land, notwithstanding that I disagree with them on this matter. The adopted Supplementary Planning Guidance (SPG) relating to the land East of Eastfield Road allocates 2.5 hectares of land for allotment use, including the appeal site, and although there is emerging evidence to suggest not all the 2.5 hectares would be required, I do not consider they acted unreasonably by relying on the adopted SPG.
5. In addition, the planning permission granted at appeal for two houses on the adjacent site¹ does not necessarily suggest that planning permission should be granted on the appeal site. The proposal is further from the houses fronting Finedon Road than those in the extant planning permission and so, as set out in my decision on the appeal, the development would appear isolated. The Council therefore did not act unreasonably by coming to a different view to the Inspector in the appeal.

¹ APP/H2835/W/15/3003110

6. I note the applicant's concerns regarding the change of officer during the determination of the planning application. However, I do not consider this was unreasonable behaviour by the Council or has led to unnecessary expense on behalf of the applicant.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR