
Costs Decision

Site visit made on 21 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 December 2017

Costs application in relation to Appeal Ref: APP/P2935/W/17/3181245 Old School House, Meadow Lane, Beadnell NE67 5AJ

- 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 & Mrs Darren and Lisa Kell for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for demolition of existing Old School House and erection of 4 no. residential units.
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Decision

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

Reasons

2. Paragraph 030 of the Government's Planning Policy Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG² advises 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. Examples of unreasonable behaviour include:-
 - 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.
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The Council's decision to refuse planning permission was taken, contrary to the advice of its planning officer, following a Committee meeting. However the decision making Committee were not duty bound to follow officer advice, providing they were able to identify sufficiently robust planning reasons for not doing so.
5. The Council's first reason for refusal concerned impact on the visual amenity of the surrounding area. It is apparent from the minute notes that a pre-Committee site visit had taken place a few days before the meeting. This would have enabled Committee members to have put the design of the

¹ Reference ID: 16-030-20140306

² Reference ID: 16-049-20140306

proposed development into the surrounding built context and to appreciate that the proposal would have been a departure from the existing development there. Committee members would have been aware from the content of the planning officer's report that national planning policy seeks to secure good design which responds to local character and also that objections to the scheme including on design grounds had been raised. It is apparent from the minute that a comprehensive discussion of the case took place at the Committee meeting which culminated in a view that the design was inappropriate on visual amenity grounds.

6. Whilst I did not agree with the refusal reason, I am firmly of the view that from the process undertaken it was not unreasonable for the Committee to have arrived at this position.
7. The Council's second reason for refusal concerned the absence of a legal agreement to secure the development as 'Principal Residence' only. Committee members were advised by officers that the emerging North Northumberland Coast Neighbourhood Plan 2017 – 2032 Submission Version (October 2017) carried limited weight at present due to the relatively early stage of its production. The Council, nevertheless, proceeded to refer to Policy 14 in its reason for refusal.
8. However, notwithstanding this, it is reasonable to expect that Committee members would have been aware of the relatively high proportion of second homes in Beadnell, given the Census evidence set out in the supporting text to Policy 14, and most likely from local knowledge in any event. The promotion of sustainable development in rural areas to enhance and maintain the vitality of communities through supporting local services is an aspect of national planning policy.
9. In this context, it seems to me that the possibility of the dwellings being unoccupied for long periods of time was capable of being a material consideration which would have justified a view being taken contrary to the planning officer's advice, to substantiate the refusal reason. Although I did not find the Council's refusal reason in this regard to be compelling, neither do the appellants' representations persuade me that it was an altogether unreasonable position for the Committee to take. What was unreasonable was that the appellants were not provided by the Council with an opportunity to enter an agreement, prior to a decision being made by it based on the lack of an agreement. However it is evident from the appellants' statement that they opposed such an agreement and as such I am satisfied that they did not incur wasted expense in setting out this element of their case.
10. I have not been provided with any information that would lead me to a conclusion other than in essence, having weighed up the various issues, in the overall planning balance the Committee simply arrived at a different view to that of its planning officers.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Roy Merrett

INSPECTOR