The Planning Inspectorate

Costs Decision

Site visit made on 17 June 2019

by R. Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Costs application in relation to Appeal Ref: APP/P2935/W/19/3225782
Land north west of Hague Cottage, Wylam Wood Road, Wylam NE41 8HZ

- 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 and Mrs Wolf for a full award of costs against Northumberland County Council
- The appeal was against the refusal of planning permission for change of use from three bay garage to single dwellinghouse with adjacent change of use of adjacent land to garden.

Decision

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

Reasons

2. The Planning Practice Guidance 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 seeks a full award of costs on the basis that the Council was unreasonable and refusal of planning permission unnecessary. The appellant cites seven grounds of unreasonable behaviour, but these are largely repetitive and the substance of the appellant's case has three parts. First, the proposal should have been clearly permitted, having full and correct regard to the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG). Secondly, the Council's reasons for refusal are vague, generalised assertions about the impact of the proposal which are unsupported by an objective analysis and evidence. Finally, the Council failed to consider the fallback position of the lawful use as a three bay garage.

4. I appreciate the appellant's concerns regarding the use of the phrase *'tantamount to'* in the reasons for refusal, which is vague in the context of whether or not the proposal amounted to a new building in the Green Belt. However, the officer's report and the evidence of the Council including the submission on costs is well reasoned with sufficient clarity to substantiate why they considered the garage, at the time the application was assessed, to be only partially complete. Though the findings of the appellant, and indeed my own findings, on the extent of construction differ from the Council they have exercised their planning judgement. Having made that judgement, the Council's assessment then has full regard to the Framework in relation to new buildings in the Green Belt. The reason for refusal clearly states the policies of

the Tynedale Local Plan (LP) and the paragraph in the Framework that the proposals would be in conflict with at the time the application was determined. I do not therefore find the Council acted unreasonably on this point.

5. The second and third reasons for refusal have also been adequately substantiated in the officer's report in most respects, particularly with reference to minimum spacing standards for dwellings set out in the explanatory text to LP Policy H32, third party representations and the Council's own on-site observations. Whilst lacking in substantive evidence, on balance I do not consider that the Council failed to properly evaluate the application or analyse the information before them.

6. Finally, whilst not expressly referring to the fallback position, nor does the appellant particularly seek to rely on it in evidence, the Council in the officer's report draws comparison and distinction between the proposed dwelling and the fallback garage use. The submission on this cost application further clarifies the Council's position in this regard.

7. Having considered all the grounds for costs, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

R. Jones

INSPECTOR