



Costs Decision

Site visit made on 12 May 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Costs application in relation to Appeal Ref: APP/P2935/W/19/3223198 Land North of Lightpipe Farm, North Road, Longframlington

- 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 S Pringle on behalf of Dacre Street Developments for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for change of use to residential (C3 use) comprising 24 no houses, access road and landscaping.
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Decision

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

Reasons

1. The Planning Practice Guidance (PPG) 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 appeals process.
2. The applicant sets out the sequence of events which led up to the submission of the planning application in August 2018. These included a meeting with a Council planning officer on site to discuss the proposal, which was positive, indeed suggesting that the size of the development be increased. This was followed up with a further meeting at the Council offices and a written response provided in May 2018, which although raising some detailed points, confirmed the view that in principle the development was considered to be acceptable. During the course of preparing the application, some further discussions were held with the Council and at no point was it suggested that the position had changed in terms of in-principle support.
3. In December 2018 the appellant was informed by Council officers that they could not support the proposals. The change in the advice was not as a result of any alteration to development plan policy. The decision to refuse planning permission was taken in February 2019 under delegated authority.
4. The Council, in response to the claim for costs, says that it is only actions during either the appeal or at the time of the planning application which should be considered. The Council is correct in this assertion, since the PPG does not recognise conflicting advice given by a planning authority at pre-application stage as behaviour which may give rise to a substantive award of costs¹.

¹ Paragraph: 049 Reference ID:16-049-2014306

5. It is understandable that the applicant is aggrieved at the course of events. However, planning authorities are required to hear all the arguments in relation to planning applications and should not prejudge their outcome in terms of the issues that will arise on a case by case basis. Pre-application advice must therefore be given on a without prejudice basis, and where situations of contrary advice occur, as has been the case in this instance, it should not be deemed to constitute unreasonable behaviour.
6. In this case the Council's ultimate decision was reasonably based on policies in the development plan and other material considerations.
7. On that basis, it has not been demonstrated that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense in the appeal process.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Tim Wheeler

INSPECTOR