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## Costs Decision

Site visit made on 27 August 2019

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> October 2019**

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### **Costs application in relation to Appeal Ref: APP/P2935/W/19/3229687 Land North of Mags Newsagents, Main Street, Haltwhistle, Northumberland**

- 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 Geoff Sloan for a full award of costs against Northumberland County Council.
  - The appeal was against the refusal of planning permission for two semi detached, three bedroom properties, including landscaping and parking.
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### **Decision**

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

### **Reasons**

2. The 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 causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover costs on the grounds that the Council acted unreasonably through inconsistent application of Policy BE1 and through failure to allow a deviation from Policy H32 in respect of the requirements for outdoor space.
4. The Council's Building Conservation Officer advised that the proposal would not result in harm to the Haltwhistle Conservation Area (the CA) and, in that respect, it would not conflict with Policy BE1. While conflict with Policy BE1 did subsequently form part of the reasons for refusal, the policy does not apply only to conservation areas but sets out the general principles for the protection and enhancement of the built environment. In refusing the planning application on the grounds of conflict with the development plan in this regard, the Council was exercising its duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and did not behave unreasonably.
5. As can be seen from my appeal decision, I agree with the Council that there were sufficient grounds for refusing planning permission on grounds relating to the character and appearance of the area and further consider that there would be harm to the CA. Moreover, the application was not in any case refused solely on the basis of conflict with Policy BE1 and therefore the appeal could not have been avoided.

6. With regard to Policy H32, the appellant acknowledges the conflict but points out that a relaxation of the policy may be allowed in certain locations, for example in CAs or rural areas to facilitate traditional development, subject to other relevant Local Plan policies being addressed. In this case, the proposed dwellings are not a traditional form of development in this area and the proposal does not address the requirements of other relevant development plan policies. The circumstances in this case did not therefore justify a relaxation of the policy. Consequently, the Council did not behave unreasonably by finding conflict with Policy H32.
7. I appreciate that the decision of the Council will have been a disappointment to the applicant and that costs have been incurred as a result of pursuing the appeal. However, the appeal has provided the appellant with the opportunity to test the Council's decision. The parties are expected to meet their own costs in the appeal process. As can be seen from my appeal decision, I concurred with the Council's assessment and have dismissed the appeal.
8. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and the application for costs is refused.

*Sarah Manchester*

INSPECTOR