



Costs Decision

Site visit made on 28 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Costs application in relation to Appeal Ref: APP/P2935/W/19/3239953 Acton Caravan Site, U3041 Old Felton Junction to Brainshaugh Priory Junction, Felton NE66 9NS

- 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 J Campbell for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal to vary condition 8 attached to planning permission Ref 18/03203/FUL, dated 26 February 2019.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Paragraph 30 of the National Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by refusing planning application to remove a condition attached to a previous permission 18/03203/FUL; condition No 08 to require details of highway works including details of the access into the site, passing places along the U3041, signage and additional drainage.
4. The development site has a lengthy history with a more recent permission granted to diversify from a caravan site to 'Luxury Glamping'. The Council's Planning Committee report explains that the Council's Highways advisor was of the view that the proposal would not have an adverse impact on the highway network when compared to the historic use of the site. Furthermore, the additional drainage to the highway would not be required as this was not the responsibility of the appellant, nor was signage required. Therefore, on this basis, the Council's highways advisor supported the removal of condition No 08 of application 18/03203/FUL.
5. Having regard to the provisions of the development plan, national planning policy and other material considerations, the development of 18/03203/FUL was deemed to be acceptable and the refusal of planning permission to vary condition No 08, submitted under application 19/01026/VARYCO, was unsubstantiated.

6. I am aware that the decision was made at a Planning Committee meeting, and Members are entitled to reach their own decision on the proposal. However, there is nothing before me to demonstrate that the Council have provided sufficiently robust evidence to substantiate their findings that led to their decision. The refusal of planning permission therefore constitutes unreasonable behaviour, and this has resulted in wasted or unnecessary costs to arise for the Applicant in having to address the reason for refusal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance has been demonstrated and that an award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Northumberland County Council shall pay to Mrs J Campbell, the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to Northumberland County Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Alison Scott

INSPECTOR