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## Costs Decision

Hearing Held on 17 March 2020

Site visit made on 17 March 2020

**by Paul Cooper MSc MRTPI**

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

**Decision date: 15 May 2020**

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### **Costs application in relation to Appeal Ref: APP/P2935/W/19/3238645 The Railway Inn, Fourstones, Hexham NE47 5DG**

- 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 G Smart (Smart G Ltd) for a full award of costs against Northumberland County Council.
  - The hearing was in connection with an appeal against the refusal of planning permission for change of use and conversion of the Railway Inn Public House (Class A4) to a single residential dwelling (Class C3).
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### **Decision**

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

### **The submissions for Mr G Smart (Smart G Ltd)**

2. That the Council has behaved unreasonably by refusing the scheme on grounds when no evidence was available to Committee on which to reach those conclusions. The Council also took the statements of local residents and relied on them, rather than the views of experts.
3. The interpretation of policy is a matter of law and not judgement and the Officer Report failed to properly assess the proposal in these terms and Members were misdirected on the evidence and how it applied to the policies and if Members had accepted the evidence of experts then they would have concluded that the proposal was not in conflict with policy.

### **The response by Northumberland County Council**

4. The issue of viability was not agreed, and the property was marketed at an increased price from the original purchase, despite the loss of revenue at the time. The Council have made repeated requests for additional marketing information without success in respect of the rejected offers for the premises. The Council's specialists have demonstrated the appropriate value of the property based on the information submitted.
5. The public house makes a valuable contribution to the community and the response of the Council's specialists reflects that and the Council have not relied on anecdotal evidence in the Officer Report and to suggest so is misleading.
6. There is insufficient information to support the position of the applicant and the case has not been fully demonstrated to show that it meets planning policy.

## Reasons

7. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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.
8. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
9. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would conflict with. These reasons were adequately substantiated by the Council in the officer report and for the reason that I explained in my appeal decision, I agree with the Council that the proposal did not comply with local policy or the wording of the National Planning Policy Framework. I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.
10. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development, nor has any evidence been submitted to substantiate the claim that the Council has put undue weight on the opinions of objectors to the scheme.
11. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated. For this reason, an award for costs is therefore not justified.

*Paul Cooper*

INSPECTOR