The Planning Inspectorate

Costs Decision

Site visit made on 30 June 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Costs application in relation to Appeal Ref: APP/V2825/W/20/3245648
9 Allen Road, Northampton NN1 4NB

- 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 Davies for a full award of costs against Northampton Borough Council.
- The appeal was against the refusal of planning permission for change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants including single storey rear extension and new door and window.

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party where it has behaved unreasonably and this has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application needs to clearly demonstrate that this is the case, as parties in planning appeals normally meet their own expenses.

3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes both procedural and substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other considerations; failure to produce evidence to substantiate the reason for refusal on appeal; and vague and generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis.

4. The applicant's costs application is on the basis that the Council has behaved unreasonably because there is no clear evidence to support the decision to refuse planning permission, which has caused the applicant to incur expenses as a result of the appeal process.

5. The Council states that it acted reasonably in refusing the application in line with the Houses in Multiple Occupation Supplementary Planning Document (the HMOSPD), which was adopted in November 2019 following formal consultation.

6. As can be seen from my decision, the guidance in the HMOSPD is a material consideration. In this respect, given that the proposal would cause the concentration of HMOs within a 50 metre radius of the appeal site to exceed the guidance 10% threshold set out in the HMOSPD, albeit marginally, I find

that the Council did not behave unreasonably by refusing the planning application. Whilst I have found that the appeal scheme would not cause an over-concentration of HMOs in the locality and so would not be harmful to the residential character of the area or the living conditions of neighbouring occupiers, this is a matter of planning judgement having regard to the merits of the case.

7. Taking the above into account, I conclude that it has not been demonstrated that the Council behaved unreasonably or that it caused unnecessary or wasted expense for the applicant in the appeal process as a result.

Conclusion

8. For the reasons given above, I determine that the costs application should fail and no award is made.

C Osgathorp

INSPECTOR