
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: 10 July 2020

Costs application in relation to Appeal Ref: APP/V2825/W/20/3245912 41 Alfred Street, Northampton NN1 5HB

- 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 W Agroh 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 4 occupants.
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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 applicant's costs application is on the basis that the Council refused planning permission on a planning ground capable of being dealt with by a condition. The applicant states that there is sufficient space on site, in the apartment (or outside on a car parking space) to store cycles in a location that is acceptable and convenient for residents to access. The applicant further comments that a condition to secure full details of the storage design within a reasonable time from any granting of planning permission could overcome the refusal reason.
4. In this case, whether or not the appeal scheme provides acceptable living conditions for occupiers is a matter of planning judgement. Whilst I have formed my own view and allowed the appeal, this is based on my own observations and the evidence as put to me by the parties. I note that the applicant indicates that cycle storage could be provided in the parking area. However, given that the planning application contained no details showing how this arrangement would work or whether there would be an impact on the car parking layout, I find that it was not unreasonable that the Council did not impose a condition to secure details of cycle storage in order to overcome its concerns.

5. 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

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

C Osgathorp

INSPECTOR