



Costs Decision

Site visit made on 18 May 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

**Costs application in relation to Appeal Ref: APP/P2935/W/19/3244395
Land to the South of Dunstan Hall, Dunstan, Dunstan Village,
Northumberland Grid Ref Easting: 424840 Grid Ref Northing: 620023**

- 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 C Benjamin for a full or partial award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for the erection of 4no. bungalows.
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Decision

1. The application for a full or partial award of costs is refused.

Procedural Matter

2. The applicant has not confirmed whether the application is for a full or partial award of costs. I have therefore determined the application on the basis that it is for either.

Reasons

3. Irrespective of the outcome of an appeal, Paragraph 030 of the National Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. An award of costs can only be made if both of these tests are met.
4. Paragraph 049 of the Guidance sets out examples of unreasonable behaviour by local planning authorities with respect to the substance of the matter. These include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and not determining similar cases in a consistent manner.
5. The applicant contends that the Council acted unreasonably by failing to articulate any actual harm resulting from the proposed development and, instead, has made generalised and inaccurate assertions about its impact that are not supported by any objective analysis.
6. The applicant highlights that The Council's Delegated Report has a number of errors and contradictions that discredits the validity of the Council's decision on the application, and presents evidence and analysis which demonstrates that if

the Council had followed the correct decision making process it should have led to a positive determination.

7. I note the inconsistencies in the Council's delegated report, particularly in relation to whether the appeal site is within the 'open countryside' and so required to be assessed against Policy S14 of the Alnwick District Local Development Framework Core Strategy Development Plan Document (adopted October 2007). As outlined in my Decision, I consider that the Council assessed the application against the correct policies and I concurred with its analysis in relation to the character and appearance of the area. In this respect, I do not consider that the Council behaved unreasonably.
8. The applicant also contends that the Council has failed to be consistent in its decisions, with a number of like cases highlighted in the Statement of Case¹ that have applied policies in a different manner and which have resulted in a different outcome without clear justification as to why the context was considered to be different.
9. As stated in my Decision, from the limited information submitted, given the locations of the permissions granted near to the appeal site, it appears that it would have been appropriate to assess those applications against Policy S14 and, therefore, it seems that the Council has not been consistent in its application of its development plan policies. On this basis, I consider that the Council acted unreasonably.
10. However, given the Council's findings in relation to the proposal's impact on the character and appearance of the area, even if the application had not been assessed against Policy S14, it would not have altered it being refused and therefore going to appeal. In this respect, I consider the unreasonable behaviour of the Council identified above, did not result in unnecessary or wasted expense in relation to the preparation of the appeal.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated, and thus an award of full or partial costs is not justified.

F Cullen

INSPECTOR

¹ Application Ref: 17/00875/FUL, Land North East Of Dunstan Hall, Dunstan Village, Dunstan, Northumberland; Application Ref: 18/00520/FUL, Land To North Of Heugh View, Dunstan Village, Dunstan, Northumberland; and Application Ref: 18/02190/FUL, Land North East Of Guyzance Avenue, Togston Road, North Broomhill, Northumberland.