



Costs Decision

Site visit made on 23 June 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Costs application in relation to Appeal Ref: APP/P2935/W/20/3248747 Fairfields, Lowgate, Hexham NE46 2NN

- 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 and Mrs Huddlestone for a full or partial award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for a replacement dwelling.
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Decision

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

Reasons

2. Paragraph 30 of the government's Planning Practice Guidance ("the PPG") 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 Applicants submits that the Council has not assessed the proposal against the correct plans, and therefore made an erroneous decision based on the wrong location of the proposed new dwelling within the plot. As a result, they contend that the Council have acted unreasonably and they have incurred unnecessary expense.
4. The Council refused the planning application on the grounds that due to the size, scale, massing and location of the proposal, it would amount to inappropriate development within the Green Belt. Although the Council have refused the proposal citing what would appear to be an assessment made under paragraph 145 c) of the National Planning Policy Framework (the Framework), I have however made my own determination against paragraph 145 d) of the Framework.
5. Despite this, the Council were not unreasonable in coming to the decision that the proposal would amount to inappropriate development in the Green Belt that would result in harm arising to its openness. Indeed, following consideration of the appeal scheme, I have reached the same conclusion.
6. The Council have considered a combination of factors of its proposed size, scale and massing, and location, and the effect of these have all contributed to its overall assessment. Their assessment was not solely based on the criteria of location alone.

7. None of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Alison Scott

INSPECTOR