
Costs Decision

Site visit made on 12 August 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Costs application in relation to Appeal Ref: APP/G2815/W/20/3251780 Wood Farm, 11 High Street, Collyweston PE9 3PW

- 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 East Northamptonshire District Council for a partial award of costs against Mr Winterton, Rutland County Homes Ltd (the appellant).
 - The appeal was against the refusal of planning permission for detached building conversions and extensions to create two residential properties and one new build unit.
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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 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.
3. The Council considers that the appellant behaved unreasonably by knowingly submitting an incomplete application with regard to the effect of the proposals on bats. The Council considers this resulted in having to spend unnecessary resource seeking to address the issue during the determination of the application, and again during this appeal. The Council considers this was entirely avoidable.
4. It would have been desirable that the question of the impact on bats was comprehensively addressed as part of the evidence when the planning application was initially submitted. The Parties disagree about the timing of when the Protected Species Survey for Wood Farm, dated June 2019, was received by the Planning Officer. Irrespective of this, the Council would have needed to consider the evidence at some point. I have seen no evidence to indicate that expense has been wasted in countering the appellant's case in this respect.
5. For the reasons set out above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
6. The application is refused.

S Harley

INSPECTOR