
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 Mr Winterton, Rutland County Homes Ltd for a full award of costs against East Northamptonshire District Council.
 - 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 applicant considers the Council should have responded more quickly to the pre-application enquiry and took some six months to decide the planning application. Further delays have arisen because of the time taken in the appeal process and because of the travel restrictions imposed in relation to the Covid 19 pandemic. The applicant considers these delays to development have resulted in lost opportunity costs and that the costs of the appeal process should have been avoided as the Council should have granted planning permission.
4. It is regrettable that the Council did not respond more quickly and did not decide the planning application in a timely manner. However, the PPG explicitly states that awards of costs cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission¹.
5. The Council were correct in assessing the effect of the proposal in relation to the impact on the Collyweston Conservation Area and access arrangements. As set out in the appeal decision notice I have dismissed the appeal proposal in these respects. In view of my findings I do not consider the Council acted unreasonably in refusing the planning application on these main issues.

¹ Paragraph: 032 Reference ID: 16-032-20140306

6. A Protected Species Survey for the appeal site was carried out and is dated June 2019. The evidence indicates that this was sent to the Council in September 2019, well before the date the planning application was decided, but the date it was received by the Planning Officer dealing with the planning application is less clear. That Survey indicated that features with the potential to support roosting bats were noted on the three buildings that would be affected by the proposals and that further survey work would be required to fully establish the presence/absence of roosting bats within the site.
7. I have found that, given the reasonable likelihood of bats being present, that the survey work should be completed and any necessary measures to protect the bats should be clearly identified on the plans and securable through conditions and/or planning obligations before any planning permission could be granted even if the proposal were otherwise found to be acceptable. Accordingly I find no unreasonable behaviour on the part of the Council in having a reason for refusal related to whether there would be an adverse impact on protected species.
8. 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.
9. The application is refused.

S Harley

INSPECTOR