



Costs Decision

Site visit made on 11 August 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Costs application in relation to Appeal Ref: APP/H2835/W/20/3249995 18 Broadway, Wellingborough NN8 2DA

- 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 R Fenn for a full award of costs against Borough Council of Wellingborough.
 - The appeal was against the refusal of planning permission for two-storey 2-bedroom dwelling with associated off street parking and amenity space.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 that there was unreasonable behaviour by the Council for the reasons considered below, which resulted in the applicant having to incur unnecessary or wasted expense in the appeal process.
4. Based on the information before me, although the Council has produced and adopted 'The Residential Extensions a Guide to Good Design SPG' the Council advises that this is specifically designed for residential extensions and therefore was not directly applicable to the proposed scheme for a new dwelling. Therefore, the Council's decision not to rely on this in refusing the applicant's planning application is a matter of planning judgement.
5. Notwithstanding the above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. In this case, even though I have found in favour of the applicant's appeal, the Council's reasons for refusal, as set out in its decision notice are supported by relevant policies of the North Northamptonshire Joint Core Strategy, which forms part of the Council's development plan.
6. The applicant also asserts that the Council failed to recognise numerous similar approved applications. However, on the basis of his costs application it is unclear which applications he is referring to and more significantly whether specific details of these were provided to the Council at the planning application stage.

7. Given all of the foregoing, I find that the Council did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG has not been demonstrated.

M Aqbal
INSPECTOR