



Costs Decision

Site visit made on 4 August 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH September 2020

Costs application in relation to Appeal Ref: APP/Z2830/W/20/3248424 Bugbrooke Barns, Kislingbury Road, Bugbrooke NN7 3QG

- 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 The Northampton Old Grammar School for a full award of costs against South Northants District Council.
 - The appeal was against the refusal of grant subject to conditions of planning permission for conversion of brick built agricultural buildings and rebuild elements to form two residential dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (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. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application largely relies on the contention that the Council has failed to give due consideration to a fall-back position under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
5. Based on the evidence before me there is no compelling evidence to indicate that the Council did not pay regard to information submitted with the application or pay regard to case law and other considerations including the potential for a fallback position in coming to their decision.
6. I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. Whilst Council Members have taken a different view from that of their officers, they are not duty bound to follow the advice of their officers, provided that there are sufficient planning grounds to come to a contrary view.

7. Whilst I have not sided with the Council with regard to the merits of the development proposal it is apparent to me that the Council had reasonable concerns based on the evidence provided. As such, I am satisfied that no unnecessary or wasted expense was incurred in the appeal process as the appeal was necessary because of the concerns relating to character and appearance and the location of the site.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR