



Costs Decision

Site visit made on 10 August 2020

by I Radcliffe BSc (Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Costs application in relation to Appeal Ref: APP/Y2810/W/20/3252288 6 West Way, Weedon, Northamptonshire NN7 4QW

- 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 & Mrs McLoughlin for a full award of costs against Daventry District Council.
 - The appeal was against the refusal of planning permission for a three bed two storey detached dwelling.
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Decision

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

Reasons

2. 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. There are two claims to assess. Firstly, whether the Council failed to produce adequate evidence to substantiate its reasons for refusal by making vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by any objective analysis. Secondly, whether the Council prevented development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. In terms of the first claim, in its reasons for refusal the Council explained that the design of the proposed dwelling would result in harm to the character and appearance of the area, the living conditions of neighbours and highway safety. The officer report expanded upon these reasons. In doing so it was correct for the Council to assess the proposal against the development plan that existed at the time that the decision was made, rather than the policies of the, as then, unadopted Settlements & Countryside Local Plan (Part2).
4. Policy S10 of the West Northamptonshire Joint Core Strategy is a broad policy. However, given the reasons for refusal I do not accept that this necessitated that all of its criteria had to be covered by the appellants in their appeal statement.
5. In relation to the effect of the proposed development on levels of natural light at 7 West Way, as detailed in the appeal decision, there are several relevant policies that seek to protect living conditions. Furthermore, whilst the Council explicitly refers to overshadowing, which results when sunlight is obstructed,

based upon a fair reading of the officer report it is reasonable to conclude that the Council's concerns also related to levels of daylight.

6. For the reasons given above, I therefore find that the Council presented respectable evidence to support its reasons for refusal.
7. Turning to the second claim, the principle of residential development within the village is supported by the spatial strategy of the development plan due to the services, facilities and public transport available in the settlement. This does not mean though that schemes that would harm the character and appearance of the area should be allowed.
8. With regard to highway safety, the appellant refers to the Framework's strong guidance on parking. The Highway Authority parking standards taken into account by the Council postdate the publication of the Framework in 2012. Given that both the original and current Framework published in 2019 provide the same guidance regarding the setting of parking standards, the preparation of the standards the Council refers to would have been informed by this policy context.
9. The standards have not been adopted by the Council. However, they still form a material consideration and it was therefore not unreasonable to use them to assess the proposal. It is a matter of planning judgement as to how much weight should be attached to these standards. Whilst I gave them only limited weight the Council did not act unreasonably in attaching greater weight to them.
10. Taking all these matters into account, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. An award of costs is therefore not justified.

Ian Radcliffe

Inspector