



Costs Decision

Site visit made on 13 October 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Costs application in relation to Appeal Ref: APP/G2815/W/20/3256989 8 Hayway, Irthlingborough NN9 5QP

- 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 Mrs Natalie Whiting for a full award of costs against East Northants District Council.
 - The appeal was against the refusal of planning permission for proposed 2-storey 2-bedroom dwelling including access, parking and amenity space.
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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. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Costs may also be awarded where a local planning authority makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis or where similar cases are not determined in a consistent matter.
3. The appellant contends that the Council's decision to refuse the planning application was not consistent with developments approved elsewhere in the area and that the pre-application advice given by the Council was misleading.
4. The Council indicated a dwelling on the site could be acceptable at the pre-application stage. However, it is clear that they reserved any final judgement until they were presented with a full detailed design. All proposals should be considered on their own merits having regard to site specific characteristics. The examples of other developments put forward by the appellant are not identical to the appeal proposal in terms of design or their position within their respective streets. Even though I have concluded differently to the Council, there is a degree of subjectivity to an assessment of the impact of a proposal on the character and appearance of an area. I do not find that the Council's officers were at fault in reaching their own different conclusions based on their independent assessment of the scheme.

5. Overall, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR