
Costs Decision

Site visit made on 23 July 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Costs application in relation to Appeal Ref: APP/P2935/W20/3247129 Land North of Heugh Mill Farm, Stamfordham NE18 0PS

- 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 D Wilkinson for a full award of costs against Northumberland County Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the siting of 1no. chalet and part change of use of 1no. barn.
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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 application for costs is made on the basis that the Council was unreasonable in failing to determine the application, failing to give appropriate weight to the report prepared by their appointed independent consultant and consulted a large number of residents.
4. Paragraph 48 of the PPG states that, 'If it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period'.
5. The evidence before me indicates that there was ongoing discussions between the parties when the applicant submitted the appeal and indeed afterwards. It has not been demonstrated that the appellant sought and did not receive a explanation for the delays to the determination of the application.
6. The Council has confirmed that it would have refused the application for reasons detailed on the officer's report, I note that these reasons extend beyond the evidence contained in the report from the independent consultant, such as the effect of the development on the character and appearance on the local area. Turning to the number of local residents consulted in the course of

considering the application, I have no substantive evidence before me to suggest that the range or duration of consultation was excessive or that this led to an unjustifiable delay in considering the application.

7. Turning to the issue of unnecessary or wasted expense, the failure by the Council to determine the application or provide a timescale for determination led directly to the applicant submitting the appeal. Nonetheless this would have been the case had the Council determined the application, indeed this point is acknowledged by the applicant in the submission dated 26 June 2020.
8. I have no substantive evidence before me to suggest that the appellant incurred any additional expense as a result of the delay in the determination of the application.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

Mark Brooker

INSPECTOR