



Costs Decision

Site visit made on 26 January 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

**Costs application in relation to Appeal Ref: APP/Z2830/W/20/3262594
Land north of Whiston Road (between no.2 and Manchester House),
Whiston Road, Cogenhoe, Northamptonshire**

- 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 Carl Merrick for a full award of costs against South Northamptonshire District Council.
 - The appeal was against the refusal of planning permission for outline application for up to 2x serviced residential plots (self/custom build) with access as a matter for consideration.
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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. In assessing the application for costs, I note the applicant has referred to alleged unreasonable behaviour of the Council with respect to: delays in making a decision; difficulties in communication; vague and imprecise reasoning; failure to interpret policy and law correctly; that planning application information including key rulings were not considered; and that planning permission should have been granted.
4. The Council was not obliged to agree with the applicant's views in concluding whether the proposal meets relevant policy tests. Nor was it obliged to agree that there were any material considerations outweighing any conflict identified by them.
5. There is no substantive evidence before me which demonstrates that the appeal scheme was not properly assessed by the Council, or that the conclusion it reached was reliant on baseless concerns, or inaccurate information. I am satisfied adequate reasoning has been provided why planning permission was refused taking into the merits of the case.
6. I accept that there has been some failure for the Council to reach a timely decision based on the information presented to me. Nevertheless, I disagree the appellant has been faced with the unnecessary expense of lodging the appeal because of the reasons for refusal in contention.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

Matthew Shrigley

INSPECTOR