
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: 16th February 2021

Costs application in relation to Appeal Ref: APP/L2820/W/20/3260211 28 John Smith Avenue, Rothwell NN14 6DN

- 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 Mark Payne for a full award of costs against Kettering Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a three-bedroom detached house.
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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 inaccurate reasoning contrary to Officer advice; and that permission should have been approved.
4. The Council was not obliged to agree with the applicant's views or the views of its Officers in concluding whether the proposal is harmful. I am satisfied adequate reasoning has been provided why planning permission has been refused following consideration of the committee report.
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.
6. I am cognisant that lockdown measures may have disrupted local services. However, there has been some failure for the Council to reach a timely decision based on the planning committee cycle information presented to me. Nevertheless, I disagree the appellant has been faced with the unnecessary expense of lodging the appeal when acknowledging the reasons for refusal contended.

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