



Costs Decision

Site visit made on 13 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Costs application in relation to Appeal Ref: APP/G2815/W/21/3272564 28 College Street, Irthlingborough NN9 5TX

- 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 Kennedy (Marklin Developments Ltd) for a full award of costs against East Northamptonshire Council.
 - The appeal was against the refusal of planning permission for 1 No 3-bedroom dwelling including, 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 advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the applicant to incur unnecessary expense in the appeal process. This application claims unreasonable behaviour by the Council in terms of refusing permission contrary to officer advice and failing to substantiate its refusal reasons.
3. The decision to refuse planning permission was made by the Council's planning management committee against the advice of its officers. The Council is not duty bound to follow this advice but it has to clearly demonstrate on planning grounds why a proposal is unacceptable and properly substantiate its reasons.
4. The Council's refusal reasons refer to development plan policies, thereby indicating that its decision has been made on proper planning grounds. Also, its appeal submissions provide further explanation as to its concerns.
5. The Council has explained and so substantiated its objections relating to the proposal's effect on the character and appearance of the conservation area. Contrary to the Council, I have found the scheme would be acceptable in terms of parking. However, to a degree this is a matter of planning judgment and so it is not unreasonable to object to the scheme on this basis. I am satisfied the Council has adequately set out its objections.
6. As such, I find the Council has substantiated its refusal reasons. Accordingly, I conclude that unreasonable behaviour resulting in wasted expense has not been demonstrated and so an award of costs is not justified.

Jonathan Edwards

INSPECTOR