



Costs Decision

Site visit made on 29 July 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Costs application in relation to Appeal Ref: APP/P2935/W/21/3271784 Land West of The Cedars, North Road, Longframlington, Northumberland

- 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 Peter Sutherland for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for erection of four dwellinghouses (C3 use).
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application has been made on substantive grounds. In short, the applicant claims that the Council's reasons for refusal were spurious and without substance, particularly given the reduction in the scale of the proposal following a previous refusal of planning permission and in light of other recent developments in the area.
4. As part of its case, the Council submitted the officer report on the application plus a statement in order to justify its decision on the application and contest the appeal. These, together with the reasons for refusal, clearly set out why it considers the appeal proposal would be harmful with reference to relevant policies and national guidance. It is not uncommon for a Council to consider each individual scheme on its own merits, as each case is likely to have its own unique circumstances and relationship with its surroundings. Whilst the applicant disagrees with the Council's assessment, matters relating to character and appearance in particular involve the exercise of planning judgement, which is ultimately a matter for the decision taker.
5. For the reasons set out in my decision, I too found that the proposal would be harmful in relation to the main substantive matter of local character and appearance. Thus, even though I did not support the Council's position on drainage, its decision to refuse planning permission was not irrational and has not prevented or delayed development which should clearly be permitted having regard to the development plan and other material considerations.
6. With regard to other matters raised, these appear to relate to the previous application and historic pre-application advice, rather than the appeal before

me, and are therefore not within the jurisdiction of this costs application. In any case, as I have dismissed the appeal the Council's approach has ultimately been substantiated.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated, and therefore an award of costs is not justified.

A Caines

INSPECTOR