



Costs Decision

Site visit made on 10 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Costs application in relation to Appeal Ref: APP/G2815/W/21/3274900 53a Main Street, Yarwell, Northamptonshire PE8 6PR

- 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 Richard Anthony for a full award of costs against North Northamptonshire Council.
 - The appeal was against a refusal to grant planning permission for 'erection of 1.5 storey single dwelling'.
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Decision

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

Procedural Matter

2. The related planning application was determined by East Northamptonshire Council. As East Northamptonshire Council became part of North Northamptonshire Council on 1 April 2021, the main parties agree that the application for costs is made against North Northamptonshire Council.

Reasons

3. The Planning Practice Guidance (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. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations or where similar cases are not determined in a consistent manner.
4. The applicant contends that the full application followed faithfully the initial outline approval and conditions. However, the matter of appearance was a reserved matter on the outline permission. Furthermore, the proposal which led to the appeal was submitted as a full planning application and therefore warranted assessment on its own merits. The council assessed the proposal against the development plan and national policy and also took into account the extant outline planning permission. Notwithstanding any delays in the Council responding to enquiries, the applicant was also made aware of the council's specific design concerns before the decision was issued. Even though I have concluded differently to the council, matters of design and appearance are subjective matters and the Council was within its rights to reach its own conclusion.

5. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR