
Costs Decision

Site visit made on 2 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Costs application in relation to Appeal Ref: APP/U2805/D/21/3275800 4 Caistor Road, Gretton NN17 3DL

- 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 Robert Newby for a full award of costs against Corby Borough Council.
 - The appeal was against the refusal of planning permission for conversion of existing garage into annex accommodation; the erection of a ground floor link block to the main dwelling; erection of a rear ground floor extension with connecting corridor to main dwelling.
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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 party applying for costs to incur unnecessary or wasted expense in the appeal process. The application for costs seeks a full award on procedural¹ and substantive grounds².
3. The appellant states that the Local Planning Authority (LPA) was unreasonable and the refusal was unnecessary as a result of the failure of the LPA to meet the deadlines for the planning application and enter into discussions or meet on site with the appellant to discuss the development proposal. The appellant also considered the LPA raised issues regarding hazardous materials that was not discussed during the previous planning application on the site³.
4. I appreciate the appellant's concerns regarding the LPA's communications on the planning application and the responsiveness during the application process. However, the email correspondence between the LPA and the appellant clearly outlined the steps taken to progress the planning application and the reasons why the LPA determined the planning application based on the information submitted by the appellant. The matters raised on hazardous materials and request for further information on the oil tank storage area on the site was raised in response to the comments received from the Council's Environmental Services as part of the planning application process.

¹ Planning Practice Guidance: Paragraph: 047 Reference ID: 16-047-20140306

² Planning Practice Guidance: Paragraph 049 Reference ID 16-049-20140306

³ 20/00266

5. Whilst I appreciate the appellant's willingness to engage and negotiate further to bring forward a revised scheme, the LPA's submission and supporting evidence clearly shows that it engaged with the appellant during the application process and carried out its duty to assess the development proposal as submitted. The decision on whether to enter negotiate changes to a proposal is a discretionary one, and I do not consider it unreasonable for a LPA to determine an application as put before it.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour by the LPA resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

David Troy

INSPECTOR