

Costs Decision

Site visit made on 17 August 2021

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2021

Appeal Ref: APP/L2820/D/21/3274949

13 Ironwood Avenue, Desborough, Kettering NN14 2JJ

- 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 Mrs Fernanda Van Raepenbusch & Mr Paul Meurisse against the decision of Kettering Borough Council.
 - The appeal was against the refusal of planning permission for a proposal described as 'three storey side and rear extensions, alterations to fenestration, alterations to materials used on elevations, internal alterations, alteration to boundary treatment in the rear garden'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) is clear that costs may only be awarded against a party who has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, the PPG is clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
 3. The appellants claim is that the Council acted unreasonably during the registration and determination of the planning application which led to the submission of the appeal. The Council provided a decision notice and delegated report which clearly set out their position, which the appellant sought to appeal against.
 4. I am mindful that the PPG states that the behaviour and actions at the time of the planning application can be taken into account in consideration of whether or not costs should be awarded. The appellants have cited examples of what they consider to be the Council failing to co-operate during the application process. However, these do not amount to substantive evidence that demonstrates that the Council behaved unreasonably in relation to its consideration and determination of the planning application. Moreover, the matters the appellant refers to do not relate to the appeal process or the planning merits of the
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appeal. Therefore, the matters raised are not ones that should be pursued through the appeal process as other mechanisms exist to resolve such issues.

5. I am satisfied that the Council gave sufficient consideration to the planning application and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

Jameson Bridgwater

INSPECTOR