
Costs Decision

Site visit made on 9 November 2021

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2021

Costs application in relation to Appeal Ref: APP/H2835/W/21/3278010 32 New Street, Earls Barton, NN6 0NN

- 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 D Mallard for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of planning permission for 2 new dwellings.
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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.
3. The applicant argues that the Council failed to produce evidence to substantiate each reason for refusal. It is unclear how members of the planning committee could have reached informed views on the character and appearance, its landscape setting or impact on neighbour amenity without a site visit. No evidence was produced to substantiate the highway safety reason for refusal. The details from the highway consultant and advice from the qualified highway officer on a very technical matter were not followed. The committee did not produce evidence to the contrary.
4. The Council respond that committee members were entitled to come to their conclusions and the decision was one of balance on matters of judgment. The reasons for refusal were substantiated in the appeal submissions. The committee were given a full explanation of the facts and shown the plans. Photographs were also displayed, and the site is readily visible from public view.
5. The committee members were given the description of the site in the case officers report. The New Street context was a public vantage point which their members would know. The provided photographs would have supplemented their knowledge. Therefore, an official site visit would not have been essential and may well have been difficult given the pandemic.
6. The proposal's impacts on the landscape setting of the area and the neighbouring living standards were matters of judgement and not a precise science. Consequently, the Council were entitled to come to their view.

7. The highway aspect was more technical however the Council's concern was set out clearly in their appeal evidence, making particular reference to the visibility and width of the road. Whilst I did not agree with the Council's assessment of the impact, it was nonetheless clearly expressed.
8. The committee applied the criteria in the Development Plan policies as evident in the reasons for refusal. The policies are open to judgement which is widely acknowledged as a matter for the reader. The assessment of the policies across these reasons for refusal is not an automatic conclusion but rather a balance of the various merits and impacts. The reasons for refusal were rational and based on the particular considerations prevalent to the case.
9. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR