



Appeal Decision

Site Visit made on 25 January 2022

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Costs application in relation to Appeal Ref: APP/P2935/W/21/3284967 Land west of Roecliffe, Ladycutter Lane, Corbridge NE45 5RZ

- 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 Kane for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of outline planning permission for Replacement of existing buildings, removal of Tennis Court, creation of a new drive from existing access and landscaping.
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Decision

1. The award for costs is dismissed.

Reasons

2. Paragraph 30 of the national Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Applicant submits that the Council has acted unreasonably by failing to consider all material considerations without reaching an appropriately balanced decision. This has therefore, according to the Applicant, led to delay.
4. The Council have identified the land to be Green Belt land and within the open countryside according to local adopted planning policy designation. Despite the Applicant's assertion that the land is not designated countryside, this is not backed up by evidence presented by them. There is nothing before me to suggest the Council are not precise in their definition of the status of the land.
5. The National Planning Policy Framework advises that applications for planning permission be determined in accordance with the development plan. This is the starting point to make an assessment and this has been demonstrated within the Council's Delegated Report.
6. They have correctly identified the importance of protecting Green Belt land from inappropriate development and the open countryside from harmful encroachment. This has been based on the outline proposal for the siting of a new dwelling on an undeveloped and open field, the construction of new drive and parking, and domestic effects and light pollution that would ensue. The

details of the identified harmful effects are clearly laid out within the Delegated Report. I have also agreed with the Council in their assessment.

7. There may be no other harms arising as a consequence of the proposal including neighbouring living conditions and highway safety to which the Council have explained. However, these are neutral matters that weighs neither for nor against the proposal.
8. There may be examples of local, and other development that the Applicant considers to be relevant to their case and what they consider to be inconsistencies with the Council's decision making. However, the Council have considered this proposal on its own individual merits, as is their duty. Even though an extant permission exists at the site, this has been referenced within their Delegated Report. They have gone on to explain the particular circumstances and planning merits of the proposal before them.
9. There are no examples cited by the Applicant to demonstrate how the Council's decision making within their Delegated Report was 'vague, generalised or made inaccurate assertions about the proposed impact'. Indeed, my reading of their assessment is a comprehensive explanation of the overall impacts of the proposal.
10. By reaching a sound decision on the planning application, the Council have created no unnecessary delay to the Applicant.
11. There are no precise details submitted by the Applicant, as part of the planning application, to explain how conditioning the development would overcome the harm of the proposal.
12. To this end, none of the types of behaviour which may give rise to a substantive award under the PPG have been established, based on the above. I conclude that no unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.

Alison Scott

INSPECTOR