



Costs Decision

Site visit made on 15 February 2022

by R W Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Costs application in relation to Appeal Ref: APP/G2815/D/21/3289562 73 Oak Lane, Kings Cliffe, Peterborough PE8 6YY

- 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 Ms Olga Veidemane for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of planning permission for two storey and single storey rear extensions.
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Decision

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

Reasons

2. Paragraph 030 of the Guidance¹ advises that costs may only 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. Paragraph 049² states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect, amongst other things, in preventing or delaying development which clearly should be permitted and failure to produce evidence to substantiate each reason for refusal.
3. For the appeal scheme, the Council explains in paragraph 7.2.2 of its officer's report that the extant consent³ "*was only just acceptable in terms of impact on [No.75 Oak Lane] and the enlargement means it would no longer comply with the 45-degree rule and would make this impact (that being loss of light and outlook) unacceptable*". While I have disagreed with the Council's assessment on harm in the appeal decision, it cannot be said that the Council has failed to consider the extant consent, as the appellant suggests, when it reached its decision at application stage. That the appellant has incurred additional fees in seeking to overcome the identified concerns was a matter for them; and is not as a result of the Council's unreasonable behaviour.
4. Little evidence is before me to explain why the Council's actions have delayed the implementation of the extant consent, or indeed why stress experienced by the appellant has occurred. Matters concerning the time taken by the Council on another scheme for the appeal property are not before me.

¹ Planning Practice Guidance reference 16-030-20140306

² Planning Practice Guidance reference 16-049-20140306

³ Planning reference 19/00391/FUL

5. Accordingly, I do not find unreasonable behaviour on the part of the Council has been demonstrated or accordingly that wasted expenditure has occurred as a result.

R W Allen

INSPECTOR