
Costs Decision

Site visit made on 9 March 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th March 2022

Costs application in relation to Appeal Ref: APP/V2825/W/21/3280603 9 Whiteheart Close, Northampton NN3 9GA

- 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 Alex Calmic for a full award of costs against Northampton Borough Council.
 - The appeal was against the refusal of planning permission for Change of use from Garage to Hairdressing and Nail Salon.
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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 application for a full award of costs is on the basis that the Council acted unreasonably on procedural grounds, relating to the consideration of the professional advice provided by its consultees. Moreover, the applicant suggests that the Council failed to properly take into account the opinions of the local highway authority (LHA) and environmental health officers (EHOs).
4. In my main decision, I found for the applicant in respect of noise and disturbance but for the Council regarding the implications of parking. I was also satisfied that the Council clearly articulated in its reason for refusal, Officer Report and Statement of Case that its concerns were with regard to the effect of parking on living conditions and not highway safety, which would have been assessed by the LHA.
5. Although it was not necessary for me to consider, as I found in favour of the applicant, the Council also satisfactorily distinguished between the implications of the proposal in respect of statutory noise nuisance and general noise and disturbance. There is a substantive difference between noise and disturbance amounting to a statutory nuisance and noise and disturbance considered unacceptable in planning terms. The latter is likely to have a lower threshold and is essentially a matter of planning judgement.
6. It was therefore not determinative in respect of either matter that consultees did not raise objections and the Council was within its rights to highlight such concerns. Consequently, I cannot agree that the Council acted unreasonably relating to the consideration of the professional advice provided by its

consultees. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Thompson

INSPECTOR