
Costs Decision

Site visit made on 15 March 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Costs application in relation to Appeal Ref: APP/M2840/D/21/3292140 8 Walcot Close, Oundle PE8 4QU

- 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 and Mrs Richard Dowman for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of planning permission for first floor extension over existing garage.
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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 appellants state that the Local Planning Authority (LPA) was unreasonable and the refusal was unnecessary as a result of the failure of the LPA to determine the application in a consistent manner taking into account a similar extension approved nearby, to properly assess the impact of the proposed extension on the amenity of the neighbouring property and to adequately engage in dialogue with the appellants during the planning application process.
4. However, the officer's delegated report and the LPA's response to this cost application deals with the similar development for a first floor extension approved and constructed at No. 7 Walcot Close. It adequately demonstrates the LPA's views on this extension and reasoning as to why it had reached its decision based on the merits of the proposed development having regard to the current development plan policies, supplementary planning guidance, national policy and other material considerations.
5. The reasons for refusal set out in the decision are complete, precise, specific and relevant to the application. It also clearly states the policy of the North Northamptonshire Joint Core Strategy 2016 together with the relevant guidance contained in the Council's Householder Supplementary Planning Document 2020 and the National Planning Policy Framework that the proposal would be in conflict with.
6. The reasons for refusal have been adequately substantiated by the LPA in its officer report. The officer's report demonstrates the LPA's view as to how the

proposal would affect the character and appearance of the host property and the area and the living conditions of the occupiers of the neighbouring property at No. 10 Walcot Close, using the evidence submitted by the appellants, statutory consultees and third party representations and the LPA's observations.

7. It will be seen for the reasons set out in my appeal decision, that whilst I do not agree with the LPA in respect of the impacts on living conditions of the occupiers of the neighbouring property at No. 10 Walcot Close, I do concur with them that there were sufficient grounds relating to the harm caused by the proposal to the character and appearance of the host property and the area. I came to that decision based on my consideration of the details and merits of the development, having regard to all the evidence and other matters raised.
8. However, these are matters of planning judgement based on an assessment of fact and degree of the effects on the main issues relating to the proposed development. The LPA were entitled to form their own views about the impacts of the development even though, for the reasons set out in my appeal decision, I have reached a different conclusion on the planning merits of the case in respect of the living conditions of the occupiers of the neighbouring property. Nonetheless for the reasons that I have given, I cannot agree that the LPA has acted unreasonably.
9. Whilst I appreciate the appellants willingness to engage and negotiate further to bring forward a revised scheme, the LPA's submission and supporting evidence, including the email correspondence between the LPA and the appellants, clearly shows that it engaged with the appellants during the application process and carried out its duty to assess the development proposal as submitted. The decision on whether to enter negotiate changes to a proposal is a discretionary one, and I do not consider it unreasonable for a LPA to determine an application as put before it.
10. I therefore conclude that for the reasons set out above, unreasonable behaviour by the LPA resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

David Troy

INSPECTOR