



Costs Decision

Site visit made on 19 April 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Costs application in relation to Appeal Ref: APP/P2935/W/22/3293644 Chattlehope Farm, Catcleugh, Byrness, Northumberland NE19 1TY

- 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 S Butterworth for a full/partial award of costs against Northumberland County Council.
 - The appeal was against the refusal of the Council to grant prior approval for conversion of an agricultural building to form two dwellinghouses.
-

Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. An award of costs is sought on substantive grounds and it is claimed that the Council have not justified the original refusal reason and the refusal was based on a lack of factual information.
4. Whilst the Council have not submitted a statement alongside their appeal having indicated that they would, they are not compelled to submit one. The Officer report which has been submitted clearly outlines the concerns of the Council with regard to the main issue in this appeal – the transport and highways impacts of the development.
5. These comments have clearly been informed by the response from the Council's Highway Development Management Team, and regardless of whether they have carried out a visit to the site or otherwise, the comments appear to have been made on the basis of a reasonable understanding of the key issues associated with this case.
6. In any event, having visited the site myself, the areas of concern identified within the Officer report, while perhaps not always grasping the issues as directly as possible, were clearly reasonable and appropriately directed. I have addressed the matters surrounding existing movements associated with the proposal within my report. Whilst this has perhaps not been dealt with head on

¹ Paragraph: 030 Reference ID: 16-030-20140306

by the Council, this does not undermine the logic of their argument and subsequent refusal of the scheme.

7. There is nothing therefore to indicate that the Council have not justified the original refusal reason or to conclude that the refusal was based on a lack of factual information.

Conclusion

8. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T J Burnham

INSPECTOR