Costs Decision

Site visit made on 13 September 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Costs application in relation to Appeal Ref: APP/M2840/W/22/3297655
116 Avenue Road, Rushden NN10 0SW.

- 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 Vernon Chattell for a full award of costs against North Northamptonshire Council.
- The appeal was against the refusal of planning permission for demolition of the existing dwelling and the creation of a new dwelling and garage to the front of the site.

Decision

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

Reasons

2. Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, 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.

3. The applicant's application for costs is based on the alleged unreasonable behaviour of the Council and wasted expense, for the reasons considered below.

4. The Council's decision to refuse planning permission was based on matters relating to scale and design. Such matters involve some subjective analysis having regard to the context of the site, the proposal and the development plan and any other material considerations, including in this case the approved scheme (21/000713/FUL).

5. Together, the Council's report, decision notice and appeal submissions provide an adequate assessment of the proposal. Furthermore, the Council's reason for refusal is specific to the proposal and refers to relevant local and national planning policy. Therefore, I am satisfied that the Council's assessment is supported by sufficient analysis.

6. As such, irrespective of finding the appeal in favour of the applicant, I am satisfied that the Council considered the planning application correctly and based on their assessment came to a view that the proposal did not accord with the development plan and the National Planning Policy Framework.

7. Whilst the applicant may disagree with the Council's findings. This, and the Council's view that the proposal would materially diminish from the quality of

the approved scheme are matters of planning judgement for the decision maker.

8. Moreover, because the Council's decision was largely based on a subjective assessment in relation to the effects of the proposal on the character and appearance of the area, I am not persuaded that this in itself is unreasonable behaviour.

9. Given all of the foregoing, I find that the Council did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated.

M Aqbal

INSPECTOR