



Costs Decision

Site visit made on 27 March 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2023

Costs application in relation to Appeal Ref: APP/M2840/Y/22/3301840 Rutherford Cottage, 1-2 Sudborough Road, Slipton, Northamptonshire NN14 3AQ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Janson-Caddel and Ms Jamieson for a full award of costs against North Northamptonshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for listed building consent for retention of roof structure, reinstated following fire damage.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicants have alleged that the entirety of the appeal could have been avoided had the Council not taken an unreasonable position when initially refusing to discharge conditions related to the roof structure and then subsequently refusing to grant listed building consent without, they suggest, adequately addressing matters raised.
4. However, notwithstanding my decision on the listed building appeal that is the subject of this application, the evidence before me indicates that the Council's decision-making was informed by objective analysis influenced by the specialist advice of its Principal Conservation Officer. Moreover, in the context of a condition¹ worded with specific reference to the roof structure being designed in the traditional manner using traditional materials, it was not unreasonable for the Council to resist the modern solution put forward. Similarly, in its subsequent determination of the application² for listed building consent, the Council was able to adequately substantiate its position through intelligible reasoning. For example, notwithstanding the ramifications of 2018 fire damage, explanation as to why it desired the use of hardwood, and a lesser number of trusses in a thick-section form was provided.

¹ Condition 6 of NE/21/00205/LBC

² NE/22/00315/LBC

5. I acknowledge reference to what the applicants consider a lack of pro-active and constructive engagement from the Council at application stage, which would sit uncomfortably against the requirement of the National Planning Policy Framework (July 2021) to approach decision-making in a positive and creative way. However, it must be noted that costs can only be awarded in relation to unnecessary expense generated at appeal stage.
6. For the reasons set out above, works were not resisted that should clearly have been permitted and, as such, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Thus, having had regard to all matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR