



Costs Decision

Site visit made on 20 March 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

**Costs application in relation to Appeal Ref: APP/W2845/W/22/3309760
306 Wellingborough Road, West Northamptonshire, Northampton NN1 4EP**

- 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 Dawn Mabibi for a partial award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of full planning permission for single storey rear extension, second floor rear extension over outrigger, change of use from Office Class B to residential class C3.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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. Paragraph 049 of the Planning Practice Guidance is not an exhaustive list but states that examples of unreasonable behaviour by local planning authorities can include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant submits that the Council has acted unreasonably in that the incorrect version numbers of the plans were quoted in the refusal reason, that the refusal reason does not make clear whether either or both dormers were unacceptable, and that the Council has mis-quoted the appellant which required additional expense to correct.
5. The Council has recognised that they have not referred to the latest revision numbers of the plans in the decision notice. However, the Council Officers Report from its description referred to elements which matched details on the latest revised plans. Also, the appellant prepared their appeal statement on the basis of the same plans and for the same reasons concluded that the Officers Report referenced the correct version of the plans. Therefore, this would not have avoided the appeal and additional costs associated with making it.
6. The Council did not make it clear which of the proposed dormers, either or both, the first refusal reason related to. However, the Council has confirmed during the appeal that it applied to both, and as the appellant has provided statements to cover both dormer projections, this confirms that there has not

been any unnecessary or wasted expense as a result of providing comments in support of both dormers in the appellant's statement.

7. The Council suggested that the appellant recommended a condition for obscuring windows to some bedrooms. The appellant confirms that they only suggested such a condition could be imposed, and in their statement, they do acknowledge that such a condition may be difficult to enforce, and that in any case, occupiers could install mitigation as required. The appellant provided a Final Comments Statement to address several points in the Councils statement and their response to clarify the intention of their suggested condition. The Council responding to a suggested condition was not unreasonable and this matter did not cause additional costs, because it was not necessary to provide further comments as the appellants original statement was clear.
8. Accordingly, I do not consider that the refusal of planning permission resulted in unreasonable behaviour which directly caused another party to incur unnecessary or wastes expense, so was not contrary to the basic guidance in the National Planning Policy Framework and the PPG.

Conclusion

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

S Crossen

INSPECTOR