



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: 21 June 2023

Costs application in relation to Appeal Ref: APP/V2825/W/22/3306179 141 Wycliffe Road, Northampton NN1 5JJ

- 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 Pickering for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of planning permission for development described as “proposed 7 person HMO and proposed 1 bed ground floor flat”.
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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. It adds that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal for example by failing to produce evidence to substantiate each reason for refusal.
3. Council members chose not to follow the advice of the Planning Officers recommendation, but the reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application.
4. The Council minutes, and their statement of case, do substantiate the reasons for the refusal, and the considerations raised at the meeting were relevant to the development plan and the National Planning Policy Framework. I recognise that the proposal met minimum National Standards for room sizes and that the Council’s Housing Officers did not object. However, there might be occasions where members might consider minimum standards are not sufficient or have a different opinion to Council Officers.
5. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.

Conclusion

6. Therefore, it has not been demonstrated that unreasonable behaviour resulting in unnecessary or wasted expense as set out in the PPG has occurred and an award of costs is not warranted.

S Crossen

INSPECTOR