The Planning Inspectorate

Costs Decision

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Costs application in relation to Appeal Ref: APP/M2840/X/22/3299025
Land at Yarwell Mill, Yarwell, Northamptonshire, PE8 6LH

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by NCPF Limited for a full award of costs against North Northamptonshire Council.
- The appeal was against the refusal of the Council to issue a certificate of lawful use or development for the extraction of gravel from the land as permitted agricultural development under Schedule 2, Part 6, Class A.

Decision

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

Reasons

2. Planning Practice Guidance advises that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

3. The applicant's case is that this was a straight-forward LDC application which was unduly widened by the Council to include consideration of Schedule 2, Part 6, Class C of the GPDO, and that the Council therefore acted unreasonably and caused unnecessary and unexpected expense resulting in the need to pursue the appeal.

4. Whilst a costs award does not necessarily follow the appeal decision it is relevant in this case that the appeal was not successful. The applicant has not therefore incurred unnecessary or wasted expense as a result of the Council's decision not to issue the LDC. The decision not to issue the LDC was well-founded and the appeal costs were incurred because the appellant chose to appeal that decision.

5. The Council referred to Class C in the decision notice in order to consider whether the operations could have fallen within another class within the GPDO - this is not unreasonable. In any event, this did not materially widen the scope of the issues in dispute or directly cause the appellant to incur any more than a negligible amount of increased costs in the appeal process.

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

Zoë Franks

INSPECTOR