
Costs Decision

Site visit made on 18 July 2023

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

**Costs application in relation to Appeal Ref: APP/P2935/D/23/3316722
Middlesteads Farm, U6079 Middle Stead Loop Road, Longhirst,
Northumberland NE61 6PT**

- 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 & Mrs Justin Beckwith for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for the development described as the "Demolition of Detached Garage and Construction of Side Extension".
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The applicant states that the Council "misapplied their own policies and applied their assessment on the scale of the 'original' dwelling as once existed as opposed to 'existing' dwelling as required by Policy HOU 9 of the Northumberland Local Plan".
4. The applicant acknowledges that there the Officer's assessment in the delegated report does not refer to the 'original' dwelling but suggests that other references to various extensions added over the years, the previous extensions being to the rear of the property and what the proposed development would fail to remain subordinate demonstrates that the Council have misapplied the policy.
5. I have carefully read the Officers delegated report and the other evidence submitted in support of the appeal and I do not find any substantive evidence to support the applicant's assertions set out above.
6. The applicant also refers to the absence of any correspondence from the Council regarding the application between submission and determination and that this is contrary to the Council's own published advice. I note that the guidance uses phrases such as 'usually', 'where possible' and 'where appropriate'. Ultimately, it is not incumbent upon the Council to resolve deficiencies in a planning application, and it is not unreasonable for the Council to refuse to grant planning permission.

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

Mr M Brooker

INSPECTOR