



Costs Decision

Site visit made on 18 July 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Costs application in relation to Appeal Ref: APP/M2840/W/22/3313858 Land to the rear of 323 Grendon Road, Earls Barton NN6 0RB

- 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 Allied Parks for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of planning permission for the change of use for 10 residential caravans on land to the rear of the existing residential mobile home park.
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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. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account in my consideration of whether or not costs should be awarded.
4. The applicant asserts that poor communication between the parties, including being unable to contact the planning officer, resulted in incorrect information being used at the validation stage and documents not being available online. The failure to communicate effectively also resulted in missed opportunities to provide additional evidence in support of the proposal. It is also alleged that the planning officer failed to carry out an adequate site visit and paid little attention to the information that had been submitted to support the application, or the responses received from consultees and other interested parties. Reliance was placed on previous reasons for refusal to substantiate the decision.
5. Whilst noting the applicants concern that incorrect information was being used at the validation stage and some documents were not placed online, I have nothing before me to show how this affected the processing of the application.
6. The applicant indicates that he was unable to contact the planning officer during the time it was being considered despite repeated phone calls and e-mails. However, I have no evidence before me, including copies of e-mails, to corroborate this position. On the other hand, I have only a copy of one e-mail

originating from the planning officer to support their claim that there was communication between the parties.

7. It seems to me that the engagement between the parties has not been as constructive or effective as it could have been. In particular, if the Council had contacted the applicant as part of the planning application process, they could have better explained their concerns, and any questions the applicant had could have been clarified. Furthermore, an opportunity could have been given to provide additional information and any legal agreements that were required. That said, I accept the Council's view that even if further requests for information had been made, this would have resulted in an additional financial burden to the applicant. Moreover, even if the additional information were submitted it is unlikely that it would have resolved the wide range of matters that needed to be addressed. It is likely that the outcome would have been the same.
8. A site visit is useful in assisting the decision maker in coming to a view as to the acceptability of a proposal and is something that I support. That said, it is not essential in all cases. From my site visit I was able to have a thorough understanding of the appeal site itself and its relationship to the area, including landscape features and the proximity of nearby settlements. However, an appreciation of the sites and its surroundings could also be gleaned from nearby publicly accessible locations. Therefore, whilst I accept that there is no certainty that the officer undertook a visit of the site itself, I have no conclusive evidence to support the assertion that the planning officer did not view the site or was not appreciative of its surroundings.
9. Furthermore, I have no evidence to indicate that information submitted in support of the application was ignored by the Council's officers.
10. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Gunn

INSPECTOR