
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: 16 August 2023

Costs application in relation to Appeal Ref: APP/P2935/W/23/3320157 Bolam Lake Camping, Land to the east of Bolam Lake, Bolam NE20 0HE

- 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 and Mrs David and Jill Fozard for a full award of costs against Northumberland County Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the change of use of land from equestrian grazing use to campsite use.
-

Decision

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

Reasons

2. 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. The applicants case appears largely to refer to the site being included in the Green Belt in the new local plan when it was not previously, the consideration of the application and the delay in issuing the decision notice "despite repeated requests."
4. The PPG clearly details that costs cannot be claimed for the period during the determination of the planning application and specifically that costs can only be awarded in relation to unnecessary or wasted expense at the appeal. Nonetheless, behaviour and actions at the time of the planning application can be taken into account when considering whether or not costs should be awarded.
5. Clearly it is not unreasonable for the Council to have adopted a new Local Plan, nor is it incumbent upon them to communicate all of the effects of a new Local Plan specifically to the applicant, the process of adopting a new Local Plan does not happen overnight nor without public consultation. A reasonably engaged landowner, or their agents, with aspirations for change to land that they own should make themselves aware of changes to the planning policy context and have ample opportunity to do so.
6. While, in the determination of the appeal, I have not agreed with the Council, I have no substantive evidence before me to suggest that their consideration of the application or any of the matters put to them was deficient.

7. The planning application was dated 2 February 2022, but was refused by notice dated 3 February 2023, 11 months against a target of 8 weeks. Nonetheless, within this time the parties were clearly engaged in discussions and additional evidence was submitted by the applicant that resolved some of the issues raised by the Council. The later delays in determining the application are largely unexplained by the Council and I have taken this behaviour into account when considering whether or not costs should be awarded but, costs cannot be awarded in respect of the determination of the application.
8. An appeal would have been necessary whether in respect of a refusal to grant planning permission or a failure to determine the application and at least some of the delay allowed the applicants to engage with the Council to resolve some disputes.
9. 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