



Costs Decision

Site visit made on 6 June 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

**Costs application in relation to Appeal Ref: APP/P2935/W/23/3315009
Fisherman's Lodge, next to Waterside Cottage, Acklington,
Northumberland NE65 9AU**

- 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 Guyzance Hall Estate Ltd for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission to convert and extend an existing but now redundant cow byre on the Guyzance Estate for permanent residential use (Use Class C3) as well as using the property for intermittent holiday use in line with the use of other residential property on the Guyzance Estate.
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Decision

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

The submissions for Guyzance Hall Estate Ltd

2. The application for a full award of costs was submitted in writing. The applicant has advised that through the submission of a number of further documents and letters during the determination period he sought to address the concerns of Northumberland County Council ("the Council") and update them on changes in circumstances affecting the appeal site.
3. The applicant contends that despite the dialogue between the main parties on wider Estate matters, the Council failed to advise him that this additional information was not going to be taken into account. The applicant has advised that these documents were not posted on the Council's website. He maintains that this situation was not clear until during the appeal stage and that paragraph 4.1 and 4.2 of the Council's written statement confirms that it failed to consider all of that information in reaching its decision.
4. The applicant states that the Council's failure to consider the information but continue to have discussions for a period of 10 months prior to it making its decision amounts to wasted costs. Furthermore, he believes that had the Council considered all of the available information on balance a planning consent was likely to have been issued and the expense of the appeal avoided.
5. As such, the applicant states that the Council has failed to conduct the planning application process in a thorough, open and transparent manner. In his view this is unreasonable on the Council's part and has led to unnecessary and wasted expense in preparing the appeal.

The response by Northumberland County Council

6. The response to the applicant's costs application was made in writing by the Council. The Council considers it is notable that the appellant had not used the

pre-application service. Furthermore, it points out that there is no legal duty or any national policy requirement for the Council to work proactively to resolve problems on a 'live' application that might otherwise result in a refusal of planning permission.

7. It is argued that the submission of additional or amended information would not have addressed all reasons for refusal and would not have made any difference to the overall outcome. The Council advises that during the 10 month period referred to by the applicant, ongoing discussions between the main parties took place and the applicant was provided with the opportunity to withdraw the appeal proposal with the view of pursuing a different scheme.
8. As such, the Council considers that an award of costs is not justified.

Reasons

9. 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.
10. In this instance the evidence provided indicates that the Council did not base its decision on the full suite of documents submitted prior to its determination. In the absence of any clear confirmation of that position being provided to the applicant this falls short of what he could have reasonably expected.
11. However, that evidence has been necessarily provided to this appeal. Crucially, it has not persuaded me that the appeal should succeed.

Conclusion

12. Despite the circumstances surrounding the applicant's additional submissions, the outcome for the proposal remains unchanged. Therefore, unreasonable behaviour which has resulted in unnecessary or wasted expense has not occurred. Therefore, it follows that an award of costs is not warranted in this instance.

C Dillon

INSPECTOR