



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/23/3315318 Agricultural building south of 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 an application "to determine if prior approval is required for a proposed change of use of agricultural building to dwelling house (Use Class C3) and for building operations reasonably necessary for the conversion".
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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 throughout the determination period he had sought to address the concerns of Northumberland County Council ("the Council") regarding the Acton Dene Ancient Woodland and River Coquet and Woodland Site of Special Scientific Interest. He believes that his response contained in his rebuttal letter dated 8 November 2022 to the County Ecologist's objection was neither addressed or responded to prior to a decision being taken despite there being sufficient time to do so. Nor was any extension of time sought.
3. The applicant considers that the absence of proper consideration of the information provided on 8 November 2022 to the Council represents unreasonable behaviour and has caused him additional unnecessary and wasted expense in preparing the appeal.

The response by Northumberland County Council

4. The response to the applicant's costs application was made in writing by the Council. The Council draws attention to the Officer Report and appeal statement of case which set out the reasoning for the decision made. The Council firmly maintains that it reviewed the additional information in reaching the recommendation for refusal. The Council believes that the reasons are reasonable and clearly explained.
5. The Council asserts that whilst the applicant may disagree with that reasoning, this in itself does not warrant the award of costs. The Council states that the applicant was notified of the concerns during the course of the application.
6. For these reasons the Council firmly maintains that the application for costs should be refused.

Reasons

7. 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.
8. The evidence before me is insufficiently conclusive so as to lead me to conclude that the Council's statement regarding its treatment of applicant's rebuttal letter dated 8 November 2022 is blatantly untrue.
9. In any event, that evidence has been necessarily provided to this appeal and crucially, alongside the other submitted evidence, has not persuaded me that the appeal should succeed.

Conclusion

10. Despite the evidence which has been submitted in support of this appeal, 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