



Costs Decision

Site visit made on 17 October 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Costs application in relation to Appeal Ref: APP/P2935/W/23/3326826 Land to west of Grey Stones, Wallridge, Northumberland NE20 0SX

- 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 Mrs Judith Troidahl for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for the erection of single dwelling with associated access and residential garden.
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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. The applicant is seeking a full award of costs on the basis that development should have been permitted having regard to the Development Plan and material considerations, and that as a consequence of the Council refusing the application, the development was delayed. They are also seeking an award of costs in connection with the allegation that the Council has failed to provide evidence to substantiate the second and third reasons for refusal relating to ecology and trees and that these matters could have been dealt with by way of condition.
4. The Council in their Officer Report and Decision Notice have provided clear reasons for refusal, which have been expanded upon as part of the appeal process. Whilst in my appeal decision I have not wholly agreed with the conclusions reached by the Council in respect of the proposed development and the suitability of the location, this amounts to a difference in planning judgement. The Council in exercising their duty under Section 38(6) of the Act may reach an alternative conclusion. However, this does not amount to unreasonable behaviour that has resulted in unnecessary or unwasted expense.
5. In relation to the submission of additional information in respect of the Ecological Impact Assessment and Arboricultural Impact Assessment, additional information to address these reasons for refusal was submitted with the appeal. I understand that this information was initially provided to the Council in relation to an alternative scheme for the site and only submitted as part of the appeal submission for this scheme. There is an appeal for an alternative proposal is currently under consideration, which was made on the

basis of non-determination. However, the Council has subsequently confirmed that had they determined this application, the Council would have included reasons for refusal relating to biodiversity, ecology, and woodlands.

6. Therefore, whilst I have had regard to the applicant's case that these details have been agreed, I have not been presented with any compelling evidence that this is the case. The submission of the additional information occurred after determination of the application. As such, it could not have been considered by the Council before their decision was reached.
7. Therefore, notwithstanding the findings of my appeal decision, I find that although the Council may not have acted proactively in seeking to confirm the submission of additional information in respect of ecology and trees, this does not amount to unreasonable behaviour that has amounted to unnecessary or wasted expense for the applicant.
8. For the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Lancaster

INSPECTOR