



Costs Decision

Site visit made on 16 January 2024

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Costs application in relation to Appeal A Ref: APP/P2935/C/23/3320669 26 Cade Hill Road, Stocksfield, Northumberland NE43 7PU

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Stuart Matthews for a full award of costs against Northumberland County Council.
 - The appeal was against an enforcement notice alleging the construction of an extension that does not comply with planning permission 20/00297/FUL.
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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. As explained in the previous paragraph, costs may be awarded to a party if they have incurred unnecessary or wasted expense 'in the appeal process'. The majority of the application for costs relates to what occurred prior to the date of issue of the enforcement notice. The comments relating to events that occurred before this date can be discounted. It is the Appellant's responsibility to ensure that a development can be built in accordance with the planning permission granted for it. That the extension cannot be altered to comply with planning permission 20/00297/FUL is not therefore a relevant factor.
4. The Council's principal argument in defence of the compliance period of three months is that such a period is "...sufficient given the length of time which has passed since the first application was approved". This is not a relevant factor because the Appellant is entitled, on receipt of an enforcement notice, to wait for an appeal to be determined before complying with the requirements of the notice within the time period specified in the notice. However, irrespective of the outcome of the appeal, the Appellant has not incurred any unnecessary or wasted expense in the appeal process. The application for costs thus fails.

John Braithwaite

Inspector