



Costs Decision

Site visit made on 12 January 2024

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an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Costs application in relation to Appeal Ref: APP/P2935/X/23/3324195

Old Field, C289 Whitfield to Catton, Catton, Northumberland, NE47 9LS

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Calvin Brown for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of the Council to grant an LDC for the siting of a twin unit caravan for ancillary residential use as an annexe within the existing residential curtilage of Old Field, Catton.
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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. Costs may be awarded to a party if they have incurred unnecessary or wasted expense 'in the appeal process'. That the Council did not request further information before determining the application is not relevant. The Council's Planning Case Officer may have conflated 'planning unit' with 'residential curtilage', and continued to do so in the Council's appeal statement, but this can be excused by the somewhat misleading description of the use for which an LDC was sought.
4. The Council accepts that Old Field is a residential planning unit. Assessment of the extent of the planning unit is a subjective matter and requires planning judgement to be exercised. The Council, in this regard, consider the land on which the caravan is sited not to be within the planning unit. This was not unreasonable and would, in itself, have resulted in their refusal to grant an LDC. The Case Officer may have taken into account irrelevant factors when determining that the caravan is a building but this has not resulted in any wasted expense.
5. The Council did not accept the Agent's offer to resubmit the application with further information because at the same time she had indicated that she was preparing to submit an appeal, and ultimately did so. The Council did not act unreasonably in this regard. The Appellant has not incurred unnecessary or wasted expense in the appeal process and the claim for costs thus fails.

John Braithwaite

Inspector