



Costs Decision

Site visit made on 18 December 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

**Costs application in relation to Appeal Ref: APP/P2935/W/23/3328792
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 Judith Troidahl and Gillian Elizabeth Anderson-Price for a full award of costs against Northumberland County Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of holiday 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 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 Council have set out the reasons why it would have refused the planning application had it done so within the statutory time period. I find that these reasons are unambiguous and although I do not agree with them, they have been adequately substantiated.
4. Unlike the Council, I have concluded that the proposed development complies with Policies STP1 and ECN15 of the Northumberland Local Plan 2016-2036. Nevertheless, these assessments are matters of judgement. In my view, the Council exercised its planning judgement in a reasonable way.
5. The Council's ecologist did accept the conclusions of the Ecological Impact Assessment (EIA) in relation to Great Crested Newts but it is clear from their consultation response that they were, overall, raising an objection. They considered the Amphibian Method Statement appendix required amendment before it could be considered acceptable.
6. The works to trees necessary to implement the proposed development are clearly defined within the submitted Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). However, trees in this area do form a part of a habitat of principal importance. Given this status, particular regard should be given to the effects of the proposed development upon conserving the biodiversity of this habitat.
7. Although I have identified that the submitted EIA, AIA and AMS were adequate, that the effects of the proposed development upon biodiversity would be acceptable and that the mitigation, enhancement and precautionary working

measures could be appropriately secured by condition, these are again matters of planning judgement. For the Council to come to the opposing view was not unreasonable.

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR