



Costs Decision

Site visit made on 6 February 2024

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14.02.2024

Costs application in relation to Appeal Ref: APP/M2840/W/23/3325650 9 Lime Avenue, Oundle, Northants PE8 4PJ

- 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 Mr Christopher Bennett for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of planning permission for a porch.
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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's case relies on the fact that they engaged in pre-application discussions prior to submitting the application to the Council. The applicant proceeded with an application on the basis that these discussions were favourable.
4. I have been provided with copies of the pre-application correspondence and that given during the application process. In their Statement of Case the Council have outlined that the information provided at pre-application stage related to the location of the proposed porch and its footprint only and their advice was given on that basis.
5. Commonly, pre-application advice is made on the basis of the information provided to the Council and is usually understood to be given without prejudice and does not bind the Council to a favourable outcome when an application is submitted.
6. Based on the evidence before me, whilst it seems that the footprint and the location of the porch was specified in the pre-application enquiry, it does not appear that any design details beyond this were provided at that stage. I note that the pre-application response highlighted that due to the footprint, the porch would require planning permission and then directed the applicant to the relevant SPD and policies. The favourable advice given was caveated as being subject to a sympathetic design and materials. I therefore find that, on the basis of the level of detail provided at the pre-application stage and notwithstanding my conclusions in relation to the appeal scheme, the Council were entitled to then make an assessment on the overall design and details of the scheme which were not provided at pre-application stage.

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

R Norman

INSPECTOR