



Costs Decision

Site visit made on 9 January 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Costs application in relation to Appeal Ref: APP/W2845/W/23/3325657 Plot 1, Tythe Farm, East Haddon, Northampton NN6 8DW

- 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 Eddie Nixon for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of planning permission for remedial work following breach of planning of DA/2018/0157 and subsequent appeals APP/W2845/C/21/3279492 and APP/W2845/C/21/3279517.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is both procedural and substantive.
3. The applicant's cost claim states that the Council acted unreasonably by not determining similar cases in a consistent manner, making vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and providing information that is shown to be manifestly inaccurate.
4. While I understand the Applicant's frustrations that planning permission at the adjacent plot was allowed by the Council while their application was refused. I have no substantiated evidence to indicate any abuse of powers. Further, I have not been provided with the details of the plot 2 scheme and therefore I am unable to determine the level of similarities between the proposals and if the council was inconsistent in their approach.
5. Although I agree with the Applicant that the Council's appeal statement is poorly constructed and refers extensively to the previous enforcement appeals on the appeal site, it provides an adequate analysis of the proposal before me, giving reasoning for their decision, highlighting the development plan policies relevant at the time. Although I have reached an alternative decision to the Council, the Council's case is sufficiently well made and cannot be considered unreasonable.

6. Notwithstanding the above, the Council refers to 'the dwelling as constructed' in its reason for refusal, this is not the case as the appeal before me is not retrospective. While the use of this phrase is inaccurate, it has not altered the Council's overall decision and therefore would not have avoided the current appeal from taking place.
7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

K Allen

INSPECTOR