



Costs Decision

Site visit made on 12 March 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Costs application in relation to Appeal Ref: APP/W2845/W/23/3333884 136 Boughton Green Road, Northampton, West Northamptonshire NN2 7SR

- 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 Mrs Samantha Hughes for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of planning permission for a dropped kerb.
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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 is that the Council should only have considered the proposed dropped kerb and not the works to the front garden to create an off-road parking area as the description of development only referred to a dropped kerb. Consequently, they consider the Council assessed the application incorrectly. Had the Council only considered the dropped kerb, permission would have been granted and the appeal would not have been necessary. Therefore, the Council behaved unreasonably by preventing development which should clearly have been permitted.
4. Notwithstanding the description of development, it is clear from the submitted plans and accompanying planning application form that the proposal also comprises the formation of an area for the parking of two vehicles. The off-street parking area is explicitly linked to the dropped kerb, as without one the other would not be required. Consequently, it was not unreasonable for the Council to assess the development as a whole. Furthermore, the Council were not unreasonable in coming to that decision, as following consideration of the application on its merits alone, I have concurred with the Council.
5. For the reasons detailed above, I do not find that the Council refused a decision which should have otherwise been approved. As such, the applicant's costs associated with the appeal were a necessary part of the process.

Conclusion

6. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated.

A Berry

INSPECTOR