



Costs Decision

Site visit made on 22 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Costs application in relation to Appeal A Ref: APP/W2845/W/23/3331971 Sibbertoft Barn, Welford Road, Sibbertoft LE16 9UL

- 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 Jim Kelly for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Class Q Prior Approval for the conversion of an agricultural barn to 1 larger dwellinghouse (Class C3)
-

Costs application in relation to Appeal B Ref: APP/W2845/W/24/3339084 Sibbertoft Barn, Welford Road, Sibbertoft LE16 9UL

- 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 Jim Kelly for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Class Q Prior Approval for the conversion of an agricultural barn to no.1 dwellinghouse (Class C3).
-

Decision

1. The applications for an award of costs in relation to Appeal A and Appeal B are refused.

Reasons

2. The 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 made on substantive grounds.
3. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, by preventing development which should clearly be permitted having regard to its accordance with the development plan and by making vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. While I understand the applicant's frustrations, as they believed the odour assessment provided was sufficient to alleviate the Council's concerns. The Council have exercised their planning judgement taking into account the

submitted surveys alongside consultee comments and relevant planning guidance. The report by the Council provides an analysis of the proposal giving clear reasoning for their decision.

5. Consequently, unreasonable behaviour, as described in the PPG, resulting in unnecessary or wasted expense has not occurred and awards of costs in relation to Appeal A and Appeal B are not warranted.

K Allen

INSPECTOR