



Costs Decision

Site visit made on 30 April & 30 May 2024

by Elaine Gray MA, MSc, IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Costs application in relation to Appeal Ref: APP/P2935/D/24/3338180 Cottingburn House, 40 Bullers Green, Morpeth, Northumberland NE61 1DE

- 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 Ms Natalie Younes for a full award of costs against Northumberland County Council.
- The appeal was against the refusal of planning permission for removal of existing roof and attic floor area, rear conservatory, ground floor side and rear elevation extensions. Reconstruction of single storey house to create two storey house with rear two storey rear and side extension, three dormer windows to rear elevation, and rear balcony at first floor level. Addition of central two storey extension with entrance porch at ground level and addition of five skylights to new roof area in front elevation. A small excavated area to the rear to improve vehicle access to the basement garage area.

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. Local planning authorities are required to behave reasonably in relation to procedural matters at the appeal, and also with respect to the substance of the matter under appeal.
3. Previously, planning application ref: 23/02520/FUL had been refused for the enlargement of Cottingburn House on the grounds of design and amenity. The appeal scheme included revisions intended to address the Council's concerns over the initial proposal. The gist of the appellant's case is that the appeal to which the costs application relates was unnecessary and could have been avoided if the Council had held further discussions over the new scheme. She is also concerned that the Council did not communicate their intention to refuse the planning application prior to issuing the decision notice.
4. I note that the physical form of the proposed new roof was revised in an attempt to alleviate the effect of the development on outlook from a habitable room at the neighbouring Bow Villa. The appellant also submitted a drawing showing the application of the 25 degree rule between Bow Villa and the proposed first floor extension at the appeal site. Furthermore, she provided floor plans for Bow Villa dating from the application for the conversion of the building to flats.

5. Firstly, although the appellant's frustration is understandable, there is no duty on Council officers to contact applicants prior to the determining of planning applications. Therefore, there has been no unreasonable behaviour on the part of the Council in this particular respect.
6. Secondly, there can be no certainty that the outcome of the planning application would have been different had the Council held further discussions prior to making their determination. It is entirely usual for Councils to seek further information, as in this case, to assist in making a full and proper assessment of a proposal. However, this does not indicate or imply that the proposal will be found to be acceptable. The Council's concerns over harm to the outlook from Bow Villa remained, and as may be seen from my main decision, I have agreed with their position, based on the evidence before me.
7. In summation, then, I have found no unreasonable behaviour on the part of the Council. The appeal was necessary in order to examine the matters at hand, and there is no evidence that it could have been avoided by further discussion between the parties.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, an award of costs is not justified.

Elaine Gray

INSPECTOR