



Costs Decision

Site visit made on 28 May 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Costs application in relation to Appeal Ref: APP/M2840/W/23/3323363 46 Cartrill Street, Raunds, Northamptonshire NN9 6ER

- 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 Tophaven Sustainable Construction Limited for a full award of costs against North Northamptonshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for variation of condition 11 to allow for retention of porous driveway with gravel topping instead of the approved hard surface driveway pursuant to application 18/01510/OUT Outline: Demolition of existing building and residential development consisting of 5 No 4-bedroom dwellings with amended access, associated parking and amenity space (all matters reserved except access); and to reflect the changes proposed to the site plan approved under condition 1 pursuant to 20/00346/REM - Reserved matters for Appearance, Landscaping, Layout, Scale, pursuant to Outline Planning Permission 18/01510/OUT.
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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 application relies on the fact that the Council Officers recommended that the approval of the proposal, but that the Council Members took a different course of action without adequate reason to do so.
4. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate a reason for refusal.
5. In this case I have noted the recommendation of the Council Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Members and consultees so long as a case could be made for the contrary view.
6. It will be seen from my decision that I agree with Council Members and that there were sufficient grounds for refusing the variation of condition related to accessibility alone. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.

7. On procedural grounds the Applicant's claim is that the Council acted unreasonably in not determining the application within the statutory time frame. From the evidence before me the application was considered by the Planning Committee, with a decision in principle, in a timely manner. However, following the resolution to refuse there was a delay in issuing the Decision. Despite the Council's request for an extension of time the appeal was lodged, and accordingly the Council could not issue the Decision. Although there was a delay following the resolution to refuse permission that was frustrating for the applicant, even if the decision was issued earlier this would not have avoided the need for the appeal. I therefore find no unreasonable behaviour on procedural grounds.
8. There is little substantive evidence before me regarding claims that Members failed to declare interests. In any event, this not within the jurisdiction of my decision.
9. For the reasons stated above I cannot agree that the Council has acted unreasonably in this case and that the Applicant was not put to unnecessary or wasted expense.
10. I therefore find that unreasonable behaviour, as described in the PPG, has not occurred and an award of costs is not warranted.

R Gee

INSPECTOR