



Costs Decision

Hearing Held on 8 May 2024

Site visit made on 15 May 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Costs application in relation to Appeal Ref: APP/W2845/W/23/3326508 Whittlebury Park, NN12 8QH

- 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 West Northamptonshire Council for a full award of costs against Whittlebury Park.
 - The appeal was against the non-determination of Outline Application - with all matters reserved to provide later living accommodation (Class 2) as three integrated types of accommodation on a site off the main entrance to Whittlebury Park.
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Decision

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

Reasons

2. Planning Practice Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only 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 Council's application for costs is based on the alleged unreasonable behaviour of the applicant and wasted expense, for the reasons considered below.
4. A number of the Council's putative reasons for refusal relate to technical matters where the Council had requested further specific technical information or reports. Whilst some information was provided by the applicant, it is a matter of judgement for the decision maker as to whether this is considered sufficient to address its concerns and other requirements. The Council did not consider the submitted information to be acceptable.
5. However, and whilst I acknowledge that some further technical evidence was submitted at the Hearing, in determining the appeal, based on the information before me, and given the outline nature of the proposal, I have found that the Council's concerns about technical matters could be addressed through the use of planning conditions.
6. Therefore, I am not persuaded that the level of information provided by the applicant to address some of the technical matters associated with the proposal is in itself unreasonable behaviour.

7. I have addressed the issue regarding a 'MasterPlan' for Whittlebury Park as part of my Decision. Policy EMP5 of the South Northamptonshire Local Plan Part 2 specifically relates to Whittlebury Park. However, and even though the type of specialist housing proposed is not supported by this Policy, this does not preclude the applicant from making a planning application for such development at Whittlebury Park.
8. As such, even though I have dismissed the appeal, I do not consider the applicant's decision to submit a planning application for specialist housing at Whittlebury Park is in itself an example of unreasonable behaviour.
9. Given all of the foregoing, I find that the applicant did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal

INSPECTOR