



Costs Decision

Hearing held on 4 September 2024

Site visit made on 4 September 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

**Costs application in relation to Appeal Ref: APP/P2935/W/24/3344897
East Farm, C224 Military Road Junction to District Boundary, Great
Whittington, Northumberland NE19 2HP**

- 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 Tim Oliver of Messrs J C Oliver for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for the material change of use of the land for the stationing of a mobile home for residential accommodation for an agricultural worker, with solar array and battery storage shed.
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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. Irrespective of the outcome of the appeal, 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 contends that the Council acted unreasonably by refusing an application for temporary accommodation on the basis that it is a permanent dwelling. In doing so it is alleged that they did not properly exercise their development management responsibilities and delayed development that should have been permitted. It is further alleged that the Council failed to substantiate the second reason for refusal which was based on vague, generalised, and inaccurate assertions and has been inconsistent in its decision making by allowing apparently similar development elsewhere.
4. In addition, it is suggested that irregularities occurred in relation to an identified breach of planning control and enforcement investigation at the site that led to the submission of the planning application to regularise the development. However, these are not matters that I can comment on as part of this costs decision.
5. The Council's submissions adequately explain why the development was assessed as a building rather than a caravan. On this basis, the Council determined the application as a permanent dwelling and found conflict with the provisions of Policies STP1, HOU8, HOU9, QOP1 and ENV3 of the Northumberland Local Plan 2016 – 2036 (2022). The Council did not dispute

the need for the accommodation and while the description of development and the planning application documents clearly set out that temporary permission was being sought for a mobile home, based on the Council's observations they took a different view as to the nature of the development.

6. The explanation provided is brief, however it covers the primary factors that are well understood to be decisive in understanding what is a building. Notwithstanding that I have reached a different finding, I am satisfied that the Council explained its position. Given the Council's conclusion it follows that the identified conflict with the development plan is not something that could have been made acceptable through the imposition of planning conditions.
7. In relation to the second reason for refusal and the effect of the development on the character and appearance of the area, limited evidence was provided to explain the reasons why the Council considered the development to cause harm. In the absence of any meaningful appraisal of where the development can be seen from, on balance I do not consider that the Council made sufficient efforts to substantiate this reason for refusal adequately. However, given the first reason for refusal, there is no evidence that the appeal could have been avoided had the Council acted differently as this would not have changed the outcome of the application.
8. There is a need for consistent decision making so that people have confidence in the planning system. However, the other example provided by the applicant of a mobile home granted permission while similar in appearance, is not directly comparable because the Council accepted in that case that the scheme was temporary and assessed the effects on the character and appearance on that basis. As such, the decision to refuse permission at the appeal site was not inconsistent with other decisions that have been taken in the area.
9. Similarly, while the Council's officer report suggests that despite screening afforded by the tree cover there would still be some negative impact on the landscape from the solar arrays, the second reason for refusal refers to the design and materials of the dwelling and does not specifically refer to the solar arrays. There is no clear evidence that this element of the development was determinative in the second reason for refusal. Consequently, there is no inconsistency with other decisions where solar arrays in the open countryside have been approved by the Council.

Conclusion

10. For the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and I therefore conclude that an award of costs is not warranted.

F Harrison

INSPECTOR