



Costs Decision

Site visit made on 14 October 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Costs application in relation to Appeal Ref: APP/P2935/W/24/3348573 Whitlow Farmhouse, Track to Whitlow, Alston, Northumberland CA9 3BE

- 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 J R Edgar for a full award of costs against Northumberland County Council.
- The appeal was against the refusal of the Council to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.

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 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 in its assessment of their S73 application citing 'insufficient information' with regard to the discharging conditions attached to planning permission ref 17/01400/VARYCO. The Council acknowledges that the appellant did not seek to discharge conditions within its application, however, its decision notice contained two refusal reasons, both of which the appellant sought to address in his statement.
4. It will be seen from my appeal decision that I found harm with respect to the Council's first refusal reason, and that the Council had legitimate planning reasons to refuse the planning application. Having had the application refused, the applicant exercised his right of appeal. This therefore does not indicate unreasonable behaviour.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for costs is refused.

L Clark

INSPECTOR