



Costs Decision

Site visit made on 14 November 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2024

Costs application in relation to Appeal Ref: APP/M2840/W/24/3341143 49 Greening Road, Rothwell, North Northamptonshire NN14 6JB

- 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 Gurdeep Bhamra 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 development originally described as, an outbuilding to be converted into a habitable use for the family, which is located in the back of the rear garden. The outbuilding is of brick construction with a timber duo-pitch roof which has falls to the flank sides.
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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 applicant's application for costs is on the basis that the Council failed to determine the original planning application within the prescribed time and the lack of communication on behalf of the Council in the planning process, resulting in wasted time and expense of the applicant.
4. From the evidence provided in the Council's cost rebuttal, I note that although the Council did not determine the planning application within the prescribed time, it did indicate on the 13 March 2024, some two weeks after the target date for the Council's decision, that it intended to refuse the application. The Council sets out that its determination of the planning application was delayed due to the change of status of it. Originally it was called to the Council's Planning Committee for determination, but it then changed to a delegated officer decision, because it was to be recommended for refusal. Furthermore, the Council has provided a statement of case setting out reasonable concerns about the impact of the development to justify its position. Therefore, the appeal was unavoidable.
5. In addition to the above, while the Council may not have responded quickly at times to the applicant, I appreciate from the rebuttal evidence of the Council that it did provide support to and respond to the applicant about the appeal process.

Conclusion

6. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. Therefore, an award of costs is not justified against the Council.

C Billings

INSPECTOR