



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/24/3342297 Westview, 43 Kettering Road, Rothwell, Northamptonshire NN14 6JR

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr D Howes of Eckland Lodge Business Park Ltd 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 for creation of a 7 bedroom (14 person) HMO with entrance porch, alter window to French doors, insert window and rooflights. Construction of 1 no. dwelling with associated parking/external works.
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Decision

1. The application for a full award of costs is allowed, in accordance with the terms set out below.

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 basis of the costs claim is the delay caused by the Council in the consideration of the application. From the evidence provided, following the applicant's submission of the most recent amended plans in July 2023, the application remained undetermined for over 7 months pending preparation of a report and consideration of the application by its planning committee. Then, the Council's planning committee decided to defer the application pending a committee site visit. Without any evidence to the contrary, it appears that the committee site visit was not scheduled to take place swiftly nor was the application arranged to be reported back to the first available committee meeting. Therefore, this caused further undue delay in the consideration of the planning application.
4. I note from the evidence provided that the purpose of the Council's planning committee site visit, was to allow a review of local parking and the internal arrangements of the HMO. However, the appeal proposal would reduce the number of HMO bedrooms within the appeal building compared to that of an extant consent and the internal arrangements of the proposed HMO was shown on the proposed plans. Therefore, it is unclear why it was necessary for the committee members to view inside the property. Also, the off-site parking arrangements on local roads would have been possible to view by Members in

advance of the committee meeting, without the necessity of an arranged visit of the Council's planning committee.

5. Notwithstanding the above, based on the evidence provided, there is no dispute between the main parties with regard to the proposed HMO internal space standards, nor does the evidence demonstrate that the on-site parking arrangements would be deficient, so as to cause harm to highway safety by exacerbating on-street parking congestion. The Council's officer report to committee recommended approval of the appeal proposal. Also, the Council's subsequent statement of case sets out that had it been given opportunity to determine the application, it would have approved it, as the Council asserts there is no conflict with the development plan.
6. In view of the above, the delays caused by the Council were unnecessary and led to a subsequent appeal, which could have been avoided. On this basis, I conclude that unreasonable behaviour on behalf of the Council is demonstrated and as a result, the appellant has incurred wasted and unnecessary expense in preparing the appeal. Accordingly, I find an award of costs is justified.

Costs Order

7. In the exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Northamptonshire Council shall pay Mr D Howes of Eckland Lodge Business Park Ltd, the costs of appeal proceedings described in the heading of this decision. Such costs are to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to North Northamptonshire Council, whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Billings

INSPECTOR