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## Costs Decision

Site visit made on 22 October 2024

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> February 2025

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**Costs application in relation to Appeal Ref: APP/M2840/W/24/3338635**

**Land next to 92 Headlands, Kettering, Northamptonshire NN15 6DQ**

- 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 Trevor Rengger for a partial award of costs against North Northamptonshire Council.
  - The appeal was against the refusal of planning permission for '*New build of two houses one a bungalow and one a two storey house*'.
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### Decision

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

### Background

2. I have adopted a slightly revised version of the development description for the purposes of my decision on the appeal made under section 78 of the Act in the interests of precision and clarity. In so doing, I am satisfied that neither party would be prejudiced and I have determined the appeal and this application for an award of costs accordingly.

### Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and that that unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The appellant's application for a full award of costs against the Council is based principally on the Council's handling of the application for planning permission resulting in incurring delays and costs arising from making the application and preparing supporting documents and reports. The Council's failure to seek to formally agree an extension of time within which to determine the application highlighted the Council's lack of willingness to work with the appellant.
5. The appellant subsequently accepts that his inexperience of the planning appeal system and the process of making an application for an award of costs led to confusion regarding the scope of those costs claimed to have been incurred. Nevertheless, an application for an award of costs is still made in relation to the application fees incurred in relation to the application that is the subject of this appeal.
6. The Guidance is clear that the costs regime is to apply to costs incurred during the planning appeal process, not for the period during the determination of the planning application. Nevertheless, all parties are expected to behave reasonably throughout the planning process.

7. The Council appear not to have offered a detailed justification for the delays incurred during the course of the planning application, other than a broad statement that there was 'increased demand for planning services' at the time of the planning application. It seems that the application process took over 4 months from validation of the application to determination. The length of time to determine the application is however irrelevant in the current circumstances to the appellant's case as the costs for which reimbursement is sought, namely the planning application fee, was payable at the outset of the application and would have been incurred whether or not the application had been determined within the prescribed period.
8. I have no evidence before me that the Council behaved unreasonably during the course of the appeal process, or that the summary of neighbour notification responses had been misrepresented either within the Council's delegated officer report or within the Council's subsequent appeal Statement of Case. The Council's case has been clearly, if rather briefly, set out at the appeal stage and demonstrates no evidence of unreasonable behaviour. Whilst I do not agree with the Council's decision for the reasons set out in the s78 appeal decision I am satisfied that a case was sufficiently made in that respect, even if I reached a different conclusion. It is not clear from the appellant's submissions that any costs incurred were actually incurred during the appeal process, rather than just planning application fees and expenses but, in any event, I am satisfied that the Council has not acted unreasonably in this respect.

### **Conclusion**

9. Therefore, for the reasons set out above unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*G Robbie*

INSPECTOR