



Costs Decision

Site visit made on 21 January 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Costs application in relation to Appeal A Ref: APP/W2845/W/24/3352532 Bumblebee Cottage, 26 Main Street, Little Brington, West Northamptonshire NN7 4HS

- 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 Mrs Grace Pearson for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal to grant planning permission for the extension of existing chimney stack to 1.6m above ridge, new clay pot to provide 1.8m from ridge to top of chimney. Removal of internal flue liner and replace with insulated flue liner.
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Costs application in relation to Appeal B Ref: APP/W2845/Y/24/3352533 Bumblebee Cottage, 26 Main Street, Little Brington, West Northamptonshire NN7 4HS

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Grace Pearson for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal to grant listed building consent for the extension of existing chimney stack to 1.6m above ridge, new clay pot to provide 1.8m from ridge to top of chimney. Removal of internal flue liner and replace with insulated flue liner.
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Decisions

1. **Appeal A** – the application for an award of costs is refused.
2. **Appeal B** – the application for an award of costs is refused.

Reasons

3. 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.
4. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
5. Essentially, the applicant is seeking a full award of costs due to the Council's unreasonable behaviour during the appeal process.
6. The applicant alleges that the Council acted unreasonably by not robustly balancing the benefits between the impact on significance and the public benefit of not losing a heritage asset to fire. However, the Council refer to fire safety and the

Historic England guidance¹ in paragraphs 9.7 to 9.10 of the Officer report for application 2024/1430/FULL and paragraphs 9.8 to 9.11 in the Officers report for application 2024/1431/LBC. The officer reports clearly acknowledge the fire safety benefits which demonstrates that the Council did undertake a balance of the harm with the public benefits.

7. As the appeal building was a listed building, the Council took advice from their Conservation Officer. The view of the Conservation Officer was that there was some harm to the significance of the listed building and advised that *“the alterations that would be required to mitigate the fire safety risk would, themselves, be harmful to the significance of the listed building.”* In the Council’s decision notice and the Officer’s reports, the Council gave reasons as to why it was concerned that the proposal would cause harm to the listed building. This involves a degree of judgement and sufficiently robust evidence was submitted to show that it did not apply its judgement in an unreasonable manner, in accordance with the advice in the PPG.
8. Although the applicant submitted revised applications following a previous refusal, the Council were not persuaded that the revised applications suitably addressed the concerns regarding the proposal’s effect on the listed building. Therefore, the Council exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the evidence before them, against the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the adopted development plan for the area and national planning policy. Therefore, I find the Council to have acted reasonably in this instance.
9. Whilst the applications were not determined within the 8-week timeframe, the Council has explained that the delays were due to a lack of staffing resource and pressures due to the volume of applications that were being submitted. These delays were stated on the Councils website and there was an automatic email response from the Council. Furthermore, the applicant could have asked the Council for the likely issuing date of the decisions and if this wasn’t satisfactory, they could have submitted an appeal against non-determination. Therefore, I find the Council to have acted reasonably in this instance.
10. Consequently, I have seen no sufficiently compelling evidence that the Council behaved unreasonably. The Council refused the applications and provided sufficient detail as to why it did not grant planning permission or listed building consent. It is not therefore the case that the appeals could have been avoided and therefore the applicant has not incurred unnecessary and/or wasted expense.

Conclusions

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified for the appeals.

H Smith

INSPECTOR

¹ Historic England Guidance - <https://historicengland.org.uk/advice/technical-advice/emergency-and-fire/fire-advice/reducing-fires-in-thatched-roof-properties/>