
Costs Decision

Hearing held on 5 February 2025

Site visit made on 5 February 2025

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

**Costs application in relation to Appeal Ref: APP/M2840/W/24/3350146
Eckland Lodge Farm (land south of farm buildings), Desborough Road,
Braybrooke, Market Harborough LE16 8HB**

- 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 D Howes of Stuart Howes and Son against the decision of North Northamptonshire Council.
 - The appeal was against the refusal to grant planning permission for a farm dwelling, vehicular access and associated external works.
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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 PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing planning applications, or by unreasonably defending appeals. This could include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, or the failure to produce evidence to substantiate each reason for refusal on appeal, or not reviewing their case promptly following the lodging of an appeal.
4. The applicant considers that all the necessary evidence to demonstrate that planning permission should have been granted, was provided to the Council, and so it has unreasonably refused the application. In particular, the appellant points to the agricultural appraisal that detailed an essential need for a permanent presence within sight and sound of the livestock building, as well as additional information relating to the risks presented by disease. The applicant highlights that the Council did not obtain its own specialist advice or confirm what aspects of the evidence it disputed. Further, the appellant considers that the Council's case does not engage with the matter of animal husbandry, nor did it review its position following further expert evidence at the appeal stage.

5. The Council's reason for refusal clearly set out their position with regards to the original application, indicating why they considered the proposal to be unacceptable in the context of local and national policies. The Council's evidence included an officer report which sought to substantiate this reason for refusal. While the Council did not seek its own specialist advice, this report shows that the Council engaged with the supporting information provided with the planning application, agreeing with the advice in many respects. However, the Council explained that it found a lack of evidence to support the proposition that Eckland Lodge was not available for occupation by a rural worker. It also questioned the need for a further dwelling, given that Eckland Lodge lies close to the livestock housing, and because those animal welfare concerns relied on, were not raised when the livestock building was constructed. As such, the Council did not fail to substantiate their reason for refusal, albeit their reasoning was brief in places.
6. Whether it is necessary for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural enterprise, requires a judgement in each case. In the circumstances of this case, it was necessary to consider this in the context of the existing dwelling on the holding. It would have been necessary for the Council to apply planning judgement, even if it had sought its own specialist advice. While the Council took a contrary view to the appellant, from the evidence before me, it appears that the Council determined the planning application in a reasonable manner.
7. The appeal submissions from the appellant included additional evidence from a veterinary surgeon, whereas the Council sought to rely on its officer report. However, I am not convinced that this equates to a failure by the Council to review their case promptly. The Design and Access Statement, as well as the Agricultural Appraisal provided with the planning application, had already discussed many of the issues subsequently raised in the evidence of the veterinary surgeon.
8. Therefore, it does not follow that the Council behaved unreasonably or caused unnecessary or wasted expense for the applicant in pursuing the proposal at appeal.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

S Brook

INSPECTOR