



Costs Decision

Site visit made on 17 March 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/M2840/W/24/3353773

31 Victoria Street, Burton Latimer, NN15 5QX

- 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 Abayomi Kogbe for a full award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of planning permission for the proposed development described as “change of use from residential (C3) to 7 bedroom 7 person HMO (Sui Generis) including refuse and cycle storage”.
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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 also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
4. The applicant does not agree with the weight given by the Council to the House in Multiple Occupation standards document (HMO standards) in its assessment and considers that the Council failed to assess the proposal properly by not giving proportionate weight to the fallback position.
5. Notwithstanding the references made to the HMO standards by both the Council and the applicant, there was a clear dispute between them regarding the size of some of the rooms and the provision of the internal communal space. The planning decision is one which is a matter of judgement and having regard to the Council's evidence in the planning officer report it is sufficiently clear to me that a robust assessment has been carried out.
6. The Council considered the fallback scheme, particularly in relation to the living conditions of the occupiers of neighbouring properties, and drew a conclusion based on its findings. Whilst the Council's conclusion on this matter differs from my findings outlined within the associated appeal decision, I am satisfied that the

Council's reason for refusal was clearly substantiated based on its assessment of the site and interpretation of the relevant policy.

7. On this basis, it seems to me that there was a fundamental disagreement between the parties on the merits of the case, which could have only been resolved through the appeal process.

Conclusion

8. Accordingly, I conclude that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs, either in whole or in part, is therefore not justified. Therefore, the application for an award of costs is refused.

Andreea Spataru

INSPECTOR