



Costs Decision

Site visit made on 8 April 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09/05/25

Costs application in relation to Appeal Ref: APP/P2935/W/24/3355593

23 Dene Grove, Seghill, Northumberland NE23 7EP

- 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 Neville Rodgers (HMO Northeast T/A Forevercare) for a full award of costs against Northumberland County Council.
- The appeal was against a grant of planning permission subject to conditions.

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. PPG explains that unreasonable behaviour in the context of an application for an award of costs may be either:
 - procedural – relating to the process; or
 - substantive – relating to the issues arising from the merits of the appeal.
3. The applicant claims that the conditions in dispute do not meet the six tests being those which are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects as per paragraph 57 of the National Planning Policy Framework (The Framework). Their appearance is therefore claimed to be unreasonable behaviour by the local authority and costs should be awarded against the Council as the appeal should not have been required. This is especially after the variation submission was made, explaining the salient issues and facts.
4. The PPG advises behaviour that may give rise to a substantive award of costs including, amongst other matters: imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the Framework on planning conditions and obligations.
5. In considering the application under reference 24/02557/VARYCO, the Council reassessed the issued conditions under 24/00505/COU and altered them. This takes into consideration the requirements from the Police as well as contribution from the Council's Enforcement department and Highways Development Management team. As will be seen from my decision on the main appeal, I find

conditions 3, 4 and 5 to be necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. This is in the interests of highway safety and safeguarding of children, to ensure they are not put at risk and are housed in a safe and secure environment and to ensure any risks can be identified and mitigated.

6. On this basis, the Council has not imposed a condition that does not meet the tests as set out, and thus complies with the guidance in the Framework on planning conditions and obligations.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Teasdale

INSPECTOR