



Costs Decision

Site visit made on 1 April 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2025

Costs application in relation to Appeal Ref: APP/W2845/W/24/3354841 Land Rear of 22 The Green, Evenley, Brackley NN13 5SQ

- 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 Messrs. Charles and Nicholas Woodgate for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of planning permission for a proposed single dwelling with parking, turning and amenity.
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Decision

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

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. The PPG makes it clear that a local planning authority may be at risk of a substantive award of costs if it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis.
3. The costs application asserts that Council officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action, without due regard to the advice of the Conservation Officer and Highway Authority and without adequate reason to do so.
4. The Council refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects.
5. Objection from residents informed Planning Committee as to the strength of opinion against the proposed development of the site. At the Planning Committee meeting of 9 May 2024, the minutes demonstrate that Members heard from a representative of Evenley Parish Council, 2 residents and a representative of the appellant. A further two written representations from local residents were read out to the Committee and a late ecology consultation response was shared.

6. The minutes do not indicate that Members undertook a site visit or heard additional technical advice from the Highway Authority or the Council's heritage and planning officers. The Council has not therefore explained, in the minutes or its statement of case, what enabled Members to decide that the existing access point would be unsafe for the proposed development or that the local highway network would suffer a severe impact as advanced in its reason for refusal. Also, no further evidence on this matter was submitted by the Council as part of the appeal.
7. Furthermore, no further explanation has been provided to demonstrate why Members determined that the proposed development would harm the setting of the Evenley Conservation Area. As such, whilst the proposal's impact on character and appearance is a subjective matter, the evidence before me does not justify how Members reached a contrary view to the expert highway and heritage advice it was given.
8. The Council's assertion that the appellant did not have to appeal and could have submitted a new application is correct. However, the reasons for refusal are based on matters of principle and it appears that a new application would be unlikely to overcome the Council's objection to the proposed development. As such, the likely resulting outcome would inevitably have been an appeal at a cost to both parties.
9. Accordingly, based on the evidence before me, it has not been demonstrated that the Planning Committee arrived at a reasonable or reasoned contrary view to the advice it was given with respect to highway and heritage matters. Consequently, in refusing the proposal, the Council has delayed development which should, based on the available evidence, have clearly been permitted. Furthermore, it has made vague, generalised and inaccurate assertions about the impact of the proposal, which has been unsupported by objective analysis. This action amounts to unreasonable behaviour.

Conclusion

10. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has been demonstrated. Consequently, an award of costs, to cover the expense incurred by the appellant in preparing and submitting an appeal against the reasons for refusal, is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Northamptonshire Council shall pay to Messrs. Charles and Nicholas Woodgate, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to West Northamptonshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Brennan

INSPECTOR