



---

## Costs Decision

Site visit made on 16 June 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JULY 2025

---

### **Costs application in relation to Appeal Ref: APP/W2845/W/24/3358168 Welford House, 1 West End, Welford, West Northamptonshire NN6 6HJ**

- 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 DLP Planning Limited for a full award of costs against West Northamptonshire Council.
  - The appeal was against the refusal of planning permission for construction of two storey link extension incorporating garage, upgraded access, new driveway and parking area requiring minor demolition. Window replacement, insertion of new rooflights and rear dormer.
- 

### **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. This application relies on the case that the Council acted unreasonably in the following procedural and substantive respects:
  - the Council's unacceptable behaviour during the planning application process by a lack of communication with the applicant prior to determination of the application and referencing non-existent protocols, in respect of negotiating planning applications, in their decision notice; and
  - the decision of the Council's officer to determine the application contrary to statutory consultee comments and advice.
4. The procedural matter largely relates to the behaviour of the Council during consideration of the planning application, rather than during the appeal process. The PPG makes it clear that costs cannot be claimed for the period during the determination of the planning application, but that all parties are expected to behave reasonably throughout the planning process. Actions at the time of the planning application can be considered in my decision of whether costs should be awarded.
5. Whilst I appreciate that a lack of communication during the application process may have caused frustration, there is no substantiated evidence before me to demonstrate that the Council's officer failed to engage sufficiently with the applicant. The circumstances therefore fall considerably short of demonstrating that the Council acted unreasonably in this regard.

6. Even if there was evidence to demonstrate the Council had failed to communicate sufficiently and in a pro-active way, there is no guarantee that the outcome of the planning application would have been any different and therefore an appeal may have been an inevitable outcome.
7. Whilst reference on the decision notice to an approved protocol for negotiating planning applications, which appears to be premature, is misleading, there is no legislation that requires such a prescriptive document to be in place. Furthermore, the Council could be implementing such a protocol on an informal basis until such time as the official document is produced.
8. In terms of the substantive matter, it is entirely within the rights of the officer to determine a planning application contrary to the advice of statutory consultees. In doing so they should clearly set out their reasoning.
9. In this case, the officer's report acknowledges the responses received from the conservation officer and the highways team and provides an appropriate and thorough assessment of why the proposal was considered contrary to local and national planning policy. The officer also had appropriate regard to the statutory duty for considering proposals that could affect heritage assets.
10. The officer's report, in its summary of the consultation response from highways, references the public safety benefit of the proposed development associated with the new gated entrance off West End. The officer then appropriately undertakes a balancing exercise of the public benefits of the scheme against the less than substantial harm to the significance of the heritage asset. The officer determined that the public benefits would not outweigh the less than substantial harm, which is a planning judgement.
11. It should be noted that my appeal decision came to the same overall conclusion.

### **Conclusion**

12. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

*L Fern*

INSPECTOR