



Costs Decision

Site visit made on 23 May 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Costs application in relation to Appeal Ref: APP/M2840/W/24/3355728

47 Park Road, Rushden NN10 0RG

- 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 Maxim Bogush for a full award of costs against North Northamptonshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for change of use from C3 (dwelling house) to a Sui Generis HMO for up to 10 people including provision of bin storage and bicycle parking area, replacement of some doors and windows on the side elevation of the existing rear outrigger; extension of the lean-to extension on the rear part of the existing outrigger.
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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 application for costs relies to a substantial extent on whether the Council has acted unreasonably by failing to issue a decision within the statutory time period, which has resulted in preventing or delaying development that should clearly be permitted.
4. This application accompanies an appeal against the failure of the Council to determine the application within the statutory time period. The Council has commented regarding this and accepts that the application was not dealt with within the statutory time period due to staff workloads. These reasons have led to significant delays in the application being dealt with by the Council. Which the applicant states have resulted in unwanted expense in engaging in the appeal process, furthermore, additional costs have occurred regarding financing the project itself.
5. However, during the course of the planning application two extensions of time were mutually agreed by the applicant and the Council. Therefore, it was agreed and expected that the statutory time period for determination of the application would be exceeded and had been duly extended.
6. Based on the information provided, the final extension of time expired on 14th October 2024. Following this date, amended plans were submitted by the applicant to the Council for their consideration on 25th October 2024.

7. The evidence demonstrates that following emails from the applicant on the 25th October 2024 and 9th November 2024, a senior manager from the Council engaged with the applicant and then discussed the application with the Council's case officer. This included an understanding that some time would be required to consider and consult upon the amended plans if accepted by the case officer. The Council has stated that this would usually be for 14 days following receipt of the plans.
8. Taking the above matters into consideration, I am satisfied that the ongoing dialogue between the Council and applicant took place. This is especially evident given the submission of amended plans following the expiration of the extension of time which indicates that the applicant would likely have anticipated further time to pass during the application process. Therefore, in my view both parties were actively participating in the application process, and the Council would have needed to take further time to assess the amended plans prior to making a final decision.
9. Therefore, despite the overall time from the application being submitted to the appeal being lodged being several months, which has caused unwanted delays to the appellant and cost is frustrating. I do not find that the Council has behaved unreasonably, as they have mutually agreed extensions of time and maintained dialogue with the applicant during the application process and given the Council's conclusion that the scheme was unacceptable and my findings regarding the planning merits of the case an appeal was unavoidable.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Duff

INSPECTOR