



Costs Decision

Site visit made on 9 April 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Costs application in relation to Appeal Ref: APP/W2845/W/25/3361279 Former Silverstone Infants School, High Street, Silverstone NN12 8US

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by P Smith for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal to grant planning permission under S73 of the Town and Country Planning Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
-

Decision

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

Reasons

2. 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. Unreasonable behaviour may be either procedural or substantive.
3. The appellant contends that the Council failed to carry out a proper consideration of the effects of imposing the original conditions and, in particular, failed to apply the relevant tests of the National Planning Policy Framework (the Framework).
4. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Paragraph 57 goes on to state that they should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development being permitted, enforceable, precise and reasonable in all other respects. The tests of necessity and reasonableness are particularly relevant in the context of this appeal.
5. The Council assessed the issue in some detail in the related officer delegated report (OR) and whilst not referring specifically to the above Framework text which relates to the removal of permitted development rights (PDR), it does set out the above tests as well as related guidance from the PPG which does refer specifically to the use of conditions to remove permitted development rights.
6. The OR went on to conclude that the removal of all PDR was justified for plots 1 and 2 relating to the non-designated heritage asset (NDHA) on grounds that they could adversely impact the historic interest of the building. A similar assessment was then undertaken in respect of the new build plots 3 and 4, recognising that they

did not have the same historic significance, but identifying reasons why the removal of such PDR would still be appropriate.

7. These matters were further considered in respect of how they might impact on the living conditions of neighbouring properties setting out reasons why such impacts may occur and thus justify the removal of those PDR.
8. Whilst my findings in the related appeal decision do not fully concur with those of the Council, it is clear that the Council did take into account and assessed the proposal to remove the relevant conditions in the context of the relevant Framework tests and related guidance. A decision as to whether such conditions meet the tests are essentially matters of judgement and in my view the Council took into account all relevant information and explained in sufficient detail why, in its opinion, the proposal did satisfy the tests by reference to relevant policy.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P B Jarvis

INSPECTOR