



Costs Decision

Site visit made on 24 June 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Costs application in relation to Appeal Ref: APP/P2935/W/25/3362789

Deragreen, Aged Miners Homes, West Sleekburn, Northumberland NE62 5UX

- 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 Mrs A Killoran for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for the change of use of land to extend residential curtilage to form new garden area.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Paragraph 49 of the PPG indicates that local planning authorities will be at risk of a substantive award being made against them for, amongst other things, the preventing or delaying of development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, failure to produce evidence to substantiate each reason for refusal on appeal, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and refusing planning permission on a planning ground capable of being dealt with by conditions and not determining similar cases in a consistent manner.
4. The appellant has set out that the Council has failed to correctly apply Policy STP 1 of the NLP in considering the criteria listed in Part 1 (g) of this policy as a closed list as part of the assessment of the principle of the development. The appellant also asserts that Policy STP 1 has been applied differently for similar developments, bringing my attention to examples when the Council applied Part 1 (i) of STP 1 which states that 'development in the open countryside should be sensitive to its surroundings.' This approach recognises that while the extension of residential gardens is not directly listed under the criteria within Policy STP 1, as an overarching strategic policy it does not specifically relate to small scale developments such as extensions to residential gardens.
5. In assessing the principle of the development against Part 1 (g) of policy STP 1 the Council failed to properly evaluate the application in a manner that was consistent with similar cases. It therefore amounts to unreasonable behaviour in regard to the first reason for refusal.

6. I disagree with the Council Officers second reason for refusal, relating to the effect of the development on the character and appearance of the area. However, this aspect of the scheme is a matter of judgement. The Council Officers made a clear case for their view and provided sufficient justification for refusing planning permission on grounds relating to the effect of the development on the character and appearance of the area. As such, I cannot agree the Council has acted unreasonably in this regard.

Conclusion

7. I have carefully considered the points raised and the evidence before me, I therefore find that unreasonable behaviour on the part of the Council resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated only with respect to the Council's first reason for refusal. This reason for refusal related to the Council's assessment of the principal of the development against Policy STP 1 of the NLP which was applied in an inconsistent manner. A partial award of costs is therefore justified.

Costs Order

8. 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 Northumberland County Council shall pay Mrs A Killoran, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the first of the Council's reasons for refusal, which related to the principal of the development.
9. The applicant is now invited to submit to Northumberland County 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. If the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Office is enclosed.

C Livingstone

INSPECTOR