



Costs Decision

Site visit made on 11 August 2025

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Costs application in relation to Appeal Ref: APP/W2845/D/25/3369097

Clarks Orchard, Weedon Road, Nether Heyford NN7 3LF

- 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 Mr R Smith for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of planning permission for two dormer windows on front roof slope.
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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, irrespective of the outcome of the appeal, 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 PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Furthermore, the PPG includes as possible examples of unreasonable behaviour the failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant suggests that the Council acted unreasonably by refusing the planning application which they consider to be in complete accordance with the relevant policy and guidance set out in the development plan, National Planning Policy Framework, Planning Practice Guidance and Supplementary Planning Documents, without adequate justification for its reasons for refusal. The applicant also refers to the Council's decision to refuse an earlier, similar planning application for a dormer bungalow which was recommended for approval by planning officers following a comprehensive technical assessment.
5. In response, the Council states that its decision was based on the effect of the proposal on the character and appearance of the Nether Heyford Conservation Area and nearby listed buildings, and the effect on the living conditions of occupiers

of adjacent properties. The Council contends that the officer report comprehensively details the harm it considers would arise from the proposed development. It indicates that the conclusions reached are consistent with previous planning decisions made by the Planning Committee.

Assessment

6. Each case must be treated on its own merits and although aspects of the previous schemes were similar, they were not identical. Whilst I have come to a contrary view to the Council, the reasons for refusal, when taken together with the officer report, have been adequately substantiated. The Council relies on the relevant development plan policies and its guidance to support its case and to demonstrate its concerns arising from the construction of the proposed dormer windows. It is for the decision maker to attribute weight to such considerations as they see fit and there is no substantive evidence before me that the Council's decision was based on anything other than an analysis of the relevant merits of the case. In my view the application for costs essentially relates to a disagreement about legitimate matters of planning judgement.
7. Turning to the Council's decision to refuse the earlier planning application for a dormer bungalow, Council Members are entitled not to accept the professional advice of their officers so long as a case can be made for a contrary view, as the applicant concedes. But in any event, the appellant had the option to submit an appeal against that decision. It is not the subject of this Costs Decision or the associated planning Appeal Decision.
8. I conclude that the Council's case does not amount to one that is unsubstantiated or lacks evidence. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not therefore justified.

Elaine Benson

INSPECTOR