



Costs Decision

Hearing held on 16 September 2025

Site visit made on 16 September 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Costs application in relation to Appeal Ref: APP/M2840/Y/25/3365047 United Reformed Church, Fox Street, Rothwell, North Northamptonshire NN14 6AN

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Tim Foster for an award of costs against North Northamptonshire Council.
 - The appeal was against the refusal of the Council to grant listed building consent for works to replace 11 no. ground floor wood frame single pane windows with double glazed windows.
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Decision

1. The application 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 applicant considers that the Council has exhibited unreasonable behaviour which has caused unnecessary or wasted expense in the appeal. It is suggested that the Council has acted unprofessionally and unlawfully in the way it has considered all applications made in relation to the property. The applicant alleges negligence in recording the application subject to this appeal and unreasonably extending timeframes causing avoidable, significant delays. At the hearing the appellant also added that the Council had failed to have any communication with him during the determination of the application and, had the Council raised concerns with the proposal, he would have been willing to address them. The applicant mentioned that unnecessary expenses included the increased cost of heating and securing the property against trespassers which has also resulted in legal expenses.
4. At the hearing the Council acknowledged that there were delays in validating the application but considered that it was determined within the required timeframe. The planning officer mentioned that in view of limited resources, negotiations only took place where discussions would be likely to secure minor changes to make a proposal acceptable. The officer mentioned that on this occasion it was considered that the proposal was wholly unacceptable and the extent of changes required would have necessitated a new application. The officer also stated that they had struggled in the past to have successful discussions with the appellant.

5. I see no adequate evidence that the Council acted to intentionally delay processing the application. It is, however, extremely disappointing that there did not appear to be any negotiations with the appellant when considering this application, or updates, even if dialogue was difficult. However, I am aware that there were several applications being determined at a similar time which the Council also appeared to have significant concerns with, and ultimately many of these have been dismissed at appeal. Most of these applications appeared to follow a similar pattern of lacking adequate details and justification. This perhaps explains why the Council did not prioritise discussions on this application.
6. It is within the Council's gift to refuse an application if it considers a scheme not to be policy compliant, where the issues are considered to be insurmountable, and/or where they consider that no reasonable amendments or conditions could have been imposed to make the proposal acceptable. Indeed, following my consideration of this appeal on its merits alone, I have largely concurred with the overall findings of the Council. Based on the evidence before me it does not appear that the Council acted unreasonably in determining this application. Also, having considered the findings of the other recent appeals on this property, there is no adequate indication that the Council acted unprofessionally in dealing with these applications.
7. Accordingly, whilst I appreciate that the outcome of this appeal will have been a disappointment to the appellant, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its actions. The appellant had to address those concerns in any event.
8. The applicant has raised other matters in relation to the Council's handling of applications at the premises which are not directly related to unreasonable behaviour associated with the appeal process. These are matters for the Council.
9. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, an award of costs is not warranted.

G Bayliss

INSPECTOR