



Costs Decision

Site visit made on 16 September 2025

by Janine Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Costs application in relation to Appeal Ref: APP/W2845/W/25/3369272

11 Cavendish Drive, Northampton NN3 3DH

- 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 Amber Zafar for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of planning permission for a change of use from dwelling house (Use Class C3) to children's care home (use Class C2).
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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. Unreasonable behaviour on the part of a local planning authority may 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The applicant contends that the Council should have allowed the planning application given the lack of objection from the highway authority, a misrepresentation of information contained within the planning application submissions, and the lack of regard to the potential impact of the existing use of the property.
5. From the evidence before me I note that the Applicant's planning application form stated three people would be employed full time, however, the Statement of Purpose document provided with the planning application nonetheless gave different information and stated that the home is a tier three home meaning that it operates on a high staffing ratio from 07.30am until 10.30pm and outside of those hours has a minimum of two staff overnight.
6. I also note that the Statement of Purpose was not a generic document simply describing the parent company set up, its ethos and its processes, rather it was produced to directly support the specific planning application, for it had a photograph of the appeal dwelling on the cover and was titled 'Amber House', which is the name given to the proposed children's home throughout the document.

- This demonstrates that the document had been produced specifically to explain how this particular children's home would be run and managed.
7. Section 9.2 of that document relates to staffing details. It states that the home is made up of responsible individual, home manager, 1 x deputy manager or 2/3 team leaders, 6 TRCWs and 4 WNCW. Section 9.4 of the document also states that the staff team for the home, when at full quota, consist of 1 deputy manager, 2(3 instead of a deputy) two team leaders, 6 therapeutic residential care workers and 4 waking night care workers, 1 of which will be a team leader.
 8. Based upon the applicant's own reference to operating on a high staffing ratio and the details of staffing for the home in sections 9.2 and 9.4 of its Statement of Purpose, I consider it was reasonable for the Council to assume that large numbers of professional adults would be at the home or visiting it on any given day. This undoubtedly fed into the Council's assessment of impacts on the immediate neighbourhood, including parking impacts, but in my view that was not an unreasonable position to take.
 9. I acknowledge that the front page of the officer's report to committee for the proposal stated that the local highway authority raised objections to the application, however, there is no evidence before me that committee members did not read the entire report. The consultation responses of the various consultees were set out in section 5.1 of that report, and it was clearly stated that the local highway authority did not believe that the proposed change of use would have an undue impact upon the local highway network. The Council also confirm in their response to the costs application that prior to the committee meeting taking place officers submitted an addendum to the committee to clarify the lack of objection from the highway authority. I am not therefore convinced that the committee was misled by officers.
 10. I note reference in the applicant's costs application that they provided clarification at the committee meeting on staff numbers, which in turn will have informed the planning committee about the possible number of vehicles being driven to the site on a daily basis. However, I do not consider that it was irrational of the planning committee to have come to a different view to the highway authority, as committee members would have been considering impacts in the round, which go beyond matters generally considered by the highway authority.
 11. Although I have disagreed with the Council's decision and allowed the appeal, I find that unreasonable behaviour has not been demonstrated in this case.

Conclusion

12. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified against the Council. Consequently, the application for an award of costs is refused.

Janine Laver

INSPECTOR