



Costs Decisions

Site visit made on 21 October 2025

by **P Hanna PGDip MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2026

Costs application in relation to Appeal A Ref: APP/P2935/W/25/3370169

George Hotel, Humshaugh, Northumberland NE46 4EW

- 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 Chollerford GH LLP for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for demolition of existing pool house building and construction of a new pool house building, including drainage and external works.
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Appeal B Ref: APP/P2935/Y/25/3370175

George Hotel, Humshaugh, Northumberland NE46 4EW

- 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 Chollerford GH LLP for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of listed building consent for demolition of existing pool house building and construction of a new pool house building, including drainage and external works
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Decision

1. The application for an award of costs in respect of both appeal A and appeal B is partially 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. The applicant states that the appeal was unnecessary because the Council demonstrated the following examples of unreasonable behaviour, as set out in paragraph 49 of the PPG:
 - Vague, generalised or inaccurate assertions about a proposals impact, which are unsupported by any objective analysis.
 - Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations.
 - Refusing planning permission on a planning ground capable of being dealt with by conditions, risk an award of costs where it is concluded that suitable conditions would enable the proposed development to go ahead.

The examples given in paragraph 49 are not exhaustive, and the applicant further considers that the Council's failure to properly consider submitted information represents unreasonable behaviour.

Vague assertions about impact, development which should be permitted, and capability of being dealt with by conditions

4. The Council concluded that the harm caused would be substantial. It will be seen from my appeal decision that I found the harm to be very far short of substantial, instead being at the low end of less than substantial, in the wording of the National Planning Policy Framework (the Framework).
5. There is a degree of judgement that is exercised when deciding what comprises substantial or less than substantial harm. However, policy ENV7 of the Northumberland Local Plan 2022 and paragraph 214 of the Framework provide some context for making such judgements. Both put substantial harm in the same policy category as the "*total loss of significance*" of a designated heritage asset, indicating that substantial harm is a very high test. This is supported in the PPG on the historic environment which states that, an important consideration would be whether the adverse impact "*seriously*" affects a key element of its special architectural or historic interest. The PPG further clarifies that substantial harm may not arise in many cases, indicating the exceptional likelihood of such harm occurring.
6. Either way, the extent of harm should be clearly articulated. In determining the applications, the Council failed to fully acknowledge the effect of the more modern extensions to the east of the hotel complex on the appeal site. The Historic England listing for this building specifically acknowledges that these nineteenth and twentieth century additions are not of special interest. The Council assert that the extensions remain part of the listed building, which I agree with, and may offer some contribution to its understanding. However, the Council do not offer any assessment of how this contributes to significance to counter Historic England's steer, such that I give this very limited weight. The absence of significance consequently informs the context of the appeal site, in that the extensions can be understood to act as a buffer between the significant elements of the hotel building and the appeal site.
7. The Council also incorrectly described the existing building on the site. The existing pool house would be subject to demolition, and its age and materiality have only a limited influence on the assessment of harm of the proposed building. Nonetheless, this considerably lessens confidence in the rigour of the Council's assessment, whether the site was visited or not.
8. The Council refer to the pre-application advice it provided to the applicant. It is not clear to me if that document contains a more detailed and thorough analysis of the significance of the building and the harm caused. Even if it did, any such earlier articulation of the Council's position should have been brought forward into the appeal through the Council's reasoning in its submissions. Neither the advice from the environment and design team's appeal statement nor the Council's statement of case develop the initial limited reasoning significantly further or adequately justify why the harm was identified as substantial.

9. Taking these matters together, I find that the Council's assessment overstates the effects of the proposal and makes vague and generalised assertions about the proposals impact which are unsupported by objective analysis. That substantial harm is caused is not a reasonable conclusion for the Council to have reached given the wording of the policy and guidance framework, and the articulation of the harm provided by the Council. Instead, the only logical conclusion that could be reached is that the harm is less than substantial, as explained further in my appeal decision. The consequence of this is that a different balancing test applies in respect of public benefits than that stated in the reasons for refusal.
10. It will be seen from my appeal decision that I found the proposal to comply with local and national policies in terms of the heritage balance considerations. This conclusion is a matter of planning judgement, based on weighing less than substantial harm against the public benefits. It does not follow that reaching a reasonable conclusion on the level of harm would have led directly to the Council finding the proposal acceptable in terms of the heritage policy balance. Accordingly, it cannot be concluded that the Council prevented or delayed development which should clearly be permitted, notwithstanding whether conditions could be attached.
11. Overall, had the Council attached a reasonable degree of harm, it may or may not have gone on to reach a different conclusion on the heritage balance. Although such a conclusion would be a matter of planning judgement, the applicant has nonetheless had to undertake unnecessary work in the appeal to address the Council's case in this regard.

Failure to consider additional information

12. The applicant asserts that its latest information dated 16 April 2025 was not fully assessed such that the Council failed to properly consider submitted information. The Council indicates it carried out an initial assessment of the submission, but no further consultation, before determining the application on 6 May 2025.
13. However, as can be seen from my finding in the appeal decision, that omission is not significant in respect of either heritage or flooding considerations. In terms of heritage, the amended design introduced only minor revisions that are very unlikely to have fully addressed the Council's more wide-ranging concerns. When the updated flooding information was subsequently reviewed by the Environment Agency, it was still found to be based on the previous flood maps rather than the best available information at that time. Even if the Council had considered these matters and delayed the application further, it is far from certain that it would have reached a different conclusion. Accordingly, the Council's failure to properly consider submitted information does not represent unreasonable behaviour.
14. Whether or not the Council should have allowed more than one set of amendments or should have agreed an extension to the determination deadline, are matters of discretion for it to make. In the interests of swift decision making, it is not unreasonable for the Council to manage its decision making in an efficient manner, particularly when pre-application advice has already been given.

Conclusion

15. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the level of heritage harm and a partial award of costs is therefore warranted.

Costs Order

16. 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 to Chollerford GH LLP, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparing the appeal in respect of the level of heritage harm; such costs to be assessed in the Senior Courts Costs Office if not agreed.
17. 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.

P Hanna

INSPECTOR