
Costs Decision

Site visit made on 8 December 2025

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal A Ref: APP/W2845/W/25/3358609 Carpenters Cottage, 35 Banbury Road, Chacombe, West Northamptonshire OX17 2JN

- 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 Mr Darren Williams for a full award of costs against West Northamptonshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for:
 - Correct positions shown for the rooflight
 - The rear dormers being hipped rather than gabled
 - The eaves/verge correctly drawn on the end of the east elevation
 - Recording where plaster/plasterboard is located and where any removal has occurred
 - Recording where ground floor materials have been taken up and stored
 - Alteration of door position in garden room
 - Alteration to opening between kitchen and breakfast area
 - Glasshouse on east elevation
 - Bathroom and ensuite to second floor.
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Appeal B Ref: APP/W2845/Y/25/3358608 Carpenters Cottage, 35 Banbury Road, Chacombe, West Northamptonshire OX17 2JN

- 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 Darren Williams for a full award of costs against West Northamptonshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for listed building consent for:
 - Correct positions shown for the rooflight
 - The rear dormers being hipped rather than gabled
 - The eaves/verge correctly drawn on the end of the east elevation
 - Recording where plaster/plasterboard is located and where any removal has occurred
 - Recording where ground floor materials have been taken up and stored
 - Alteration of door position in garden room
 - Alteration to opening between kitchen and breakfast area
 - Glasshouse on east elevation
 - Bathroom and ensuite to second floor.
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Decision – Application in relation to Appeal A

1. The application for a full award of costs is refused.

Decision – Application in relation to Appeal B

2. The application for a full award of costs is refused.

Reasons

3. 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.
4. The applications are made on procedural grounds, on the basis that the Council did not communicate effectively during the application process and that it did not determine the applications within the statutory time periods. This, it is stated, has led to the applicant incurring unnecessary costs associated with the submission of the appeals, as well as inflationary and build costs due to the building's condition.
5. The PPG states that if it is clear that the local planning authority will fail to determine an application within the given time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time period, and why permission would not have been granted had the application been determined within the relevant period.
6. The applications are complex; and the Council necessarily required time to properly assess all of the relevant considerations and to seek specialist heritage advice. However, from the evidence I have seen, the Council did not make meaningful steps to obtain that specialist advice until many months after the statutory determination dates for the applications. Furthermore, whilst the Council states that the parties subsequently agreed a revised timetable for the determination of the applications, the revised deadline was not adhered to. It may be the case that the Council intended to invite the applicant to respond to its concerns about the applications. However, the evidence does not lead me to conclude that this invitation was communicated to the applicant in a timely manner. Therefore, I find that the Council has displayed unreasonable behaviour.
7. I recognise the resourcing challenges faced by the Council, including over the Christmas period. However, it is unacceptable that the reasons for the delay were not communicated effectively such that the applicant felt obliged to submit appeals to achieve outcomes to the applications. However, even if it did not carry out a site visit, the Council has set out its position on the appeal scheme with reasoned analysis; and the reasons why the Council would not have granted permission for the proposal are clear, precise, specific and relevant to the proposal. Therefore, had the Council determined the applications and the applicant wished to seek a different outcome, the appeals would have been required in any event. It follows that the costs incurred by the applicant in the appeal process were neither unnecessary nor wasted, and awards of costs are not justified in this instance.

Conclusions

8. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred. Therefore, both applications for a full award of costs are refused.

E Catchside
INSPECTOR