



Costs Decision

Site visit made on 19 January 2026

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2026

Costs application in relation to Appeal Ref: APP/P2935/W/25/3375185 Car Park, Dewley Court, Cramlington NE23 6DT

- 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 Shenstone Properties Ltd. for a full award of costs against Northumberland County Council.
 - The appeal was against the refusal of the Council to grant planning permission for the Provision of 5 no affordable dwellings.
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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. The Applicant submits that the Council has acted unreasonably by refusing permission to erect five dwellings on land that is used informally as car parking within a housing estate in Cramlington. They argue that the Council have been misdirected by considering the car park remains to serve the locality; the servicing of the parade of shops can safely occur as this is designed into the proposal; no legal obligation was secured towards coastal mitigation or affordable housing.
4. The principle of housing was deemed to be acceptable by the Council at pre-application stage. As part of their consideration, amongst other things, they raised issues of the local need for the car park and displacement of vehicles from the car park onto estate roads. They advised further information to be presented in order to avoid a highway and pedestrian safety concern.
5. Irrespective of the car parking being privately owned by the Applicant, and the fact that the Council cannot demonstrate any legal reason why the car park must be maintained as such, and even if the shop units and garages have no right of access across the existing car park (according to the Applicant), the Council carried out due process by raising genuine concerns regarding the effects of closing the car park to accommodate the development, and effect on highway and pedestrian safety. This is especially important as the car park is not closed and remains fully available for the parking of vehicles.
6. On this basis it was not unreasonable for the Council to ask for parking surveys to be provided to demonstrate there would be no highway or pedestrian safety issues

arising from its closure as part of the development proposed. This need was also taken in the context that the Council were aware of the restrictions posed by using the Methodist Church car parking land for customer parking or deliveries to the parade of shops as this land is intended for the use of parishioners to the church. Signs validate this and therefore it cannot be relied upon for either customer parking or servicing to the parade. Furthermore, the site sits amongst residential development in a densely built-up residential area where parking stress on estate roads and blocking of driveways has been evidenced by a large number of objectors.

7. I read that the Applicant is aggrieved by the Council's insistence that the car parking land was originally planned to serve the local community yet could not demonstrate this to be the case. Be that as it may, any time spent arguing this point between the parties would not have avoided an appeal situation.
8. Furthermore, I do not consider it to be unreasonable for the Council to request the internal service road within the development to be of a sufficient size to facilitate delivery wagons larger than the size it has been designed to accommodate. The Applicant has provided no evidence of the sizes of wagons that serve the shops. Furthermore, they cannot control the size of delivery wagons to service these units. Without more precise information surrounding this matter, it cannot be demonstrated that pedestrian and highway safety would be safeguarded.
9. All these things lead to a legitimate highway and pedestrian safety concern. I am not of the view that the Council have behaved unreasonably and that their unreasonable behaviour could have avoided an appeal situation for the Applicant.
10. Turning my attention to the fact that a lack of legal agreement formed two more reasons for the Council to refuse the proposal, the Council were decisive in their approach not to enter into a legal agreement to secure coastal mitigation and affordable housing as they intended to refuse the planning application on a different ground. They explain it is because they considered entering into a legal agreement to be wasted expense. Only at an appeal situation would the Council draft a legal obligation in an attempt to overcome these reasons for refusal. I understand that the Applicant was satisfied by the Council's approach. However, the Applicant did not think it reasonable to include the absence of a legal agreement as two more reasons for refusal.
11. Much as I can understand the Applicant's disappointment by way of the Council including these as reasons for refusal, this is because had they not been included, in the interest of paragraphs 56 and 57 of the National Planning Policy Framework, there would be no mechanism to secure these obligations in order to make the development acceptable in planning terms.
12. It was therefore not unreasonable for the Council to include these two reasons for refusal within their decision notice.

Conclusion

13. Therefore, all things considered, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Alison Scott INSPECTOR