



Costs Decision

Site visit made on 20 January 2026

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Costs application in relation to Appeal Ref: APP/P2935/W/25/3375680 High Park Farm, High Park Farm Drive, Felton, Northumberland NE65 9EY

- 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 Ralph Thompson of Silvermoor Haylage 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 change of use of agricultural building to a facility to dry paper pulp to produce animal bedding to include feeder, drum, burner, stack installation and control room.
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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 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 is seeking a full award of costs and highlights procedural grounds with regard to alleged delays in the determination of the application and inconsistent handling of the case. Substantive grounds are also raised in relation to the Council relying on vague and unevidenced assertions and failing to produce evidence to substantiate the reason for refusal.
4. I appreciate the frustrations with the time taken to determine the application, particularly given the applicant's agreement to an extension of time and the submission of requested evidence within agreed deadlines. It was initially indicated that the case was to be recommended for approval and determined at committee, but it was not fundamentally unreasonable for the Council to change the procedure to a delegated decision or to change its position to refusal following consideration of consultee comments. While the delays were unfortunate, the Council did generally maintain a dialogue and during this period of communication the main issues of concern were set out. This brings me to conclude that no unreasonable behaviour occurred in this regard.
5. Even though the Council did not submit an appeal statement, a reasonable assessment of the main issue was provided in the officer report and an explanation of the reasons why the proposal would be in conflict with the provisions of the development plan. I am also satisfied that the reason for refusal clearly set out on planning grounds why the proposal would be unacceptable in their view.

6. Even though the applicant's rebuttal of objector comments was not published, there is no clear evidence that the Council did not properly consider its contents, nor has it been shown that the applicant's technical evidence was ignored or dismissed. Even though a review of the applicant's appeal evidence did not alter the Council's view on the scheme, this does not necessarily mean that the Council did not properly consider it or that they unreasonably defended the appeal.
7. It seems to me that the Council had regard to the applicant's evidence, the representations made and relevant planning policy. The officer undoubtedly considered the views of the large volume of objectors; they were quite right to do so. Furthermore, there is no evidence of the decision having been unreasonably influenced by them, even if they raised late concerns regarding specific locations on the local road network that had not previously been articulated to the applicant.
8. While there were no objections from other statutory consultees it was not unreasonable for the officer to take into account the views of the technical expertise of the Highways Development Management team. As they are responsible for the safety of users of the local road network it therefore follows that they have detailed knowledge of areas affected by the proposal and so their input was critical for assessing the scheme's effects on highway safety.
9. Despite the Council not producing technical evidence, overall, a reasonable exercise of planning judgement was demonstrated in the conclusions reached on the scheme, that in their view it is contrary to the provisions of the development plan. In doing so the Council have exercised its Planning and Compulsory Purchase Act 2004 section 38(6) duty and the test of unreasonable behaviour has not been met.

Conclusion

10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Harrison

INSPECTOR