



Costs Decision

Site visit made on 29 October 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Costs application in relation to Appeal Ref: APP/P2935/W/25/3362679

Land North of Hartford Court, Cramlington, Northumberland

Easting: 426943 Northing: 577114

- 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 AWH Homes for a full award of costs against Northumberland County Council.
- The appeal was against the refusal of outline planning permission for proposed erection of new over 55-s apartments with associated access and parking.

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. In this instance, the application for an award of costs against the local planning authority is made on substantive grounds. Citing the examples set out in the Planning Practice Guidance (the Guidance) in relation to costs, the application contends that the local planning authority failed to produce evidence to substantiate each reason for refusal; relied on vague, generalised or inaccurate assertions unsupported by objective analysis; prevented or delayed development which should otherwise be clearly permitted having had regard to the development plan, national planning policy and other material considerations and a refusal to enter into pre-application discussions and to provide reasonably requested information that if provided could have avoided the need for an appeal or reduced the scope of an appeal.
4. It is clear that the Council considered the conclusions and reasoning of the 'Open Space Assessment'¹ (OSA), and both parties have drawn on the open space, sport and recreational facilities assessment² in their respective submissions. Whilst the appellant clearly does not share the Council's conclusions on the matter of the effect of the proposal on open space, I have no reason to conclude that the Council reached its decision without proper consideration of, or failed to assess the content of, the OSA.
5. Furthermore, the development plan policies³ refer to both designated and un-designated areas of open space and also that their value goes beyond sport, recreation and leisure uses to include amenity value. I am satisfied that the

¹ Origin Planning Services (undated)

² As referred to at paragraph 3.2, Northumberland County Council 'Written representation statement'

³ Northumberland Local Plan Policy INF5 and Cramlington Neighbourhood Plan Policy CNP17

Council's assessment of open space considers the matter of amenity value and contribution towards character and appearance, as well as recognising that whilst only a relatively small amount of open space (in purely numerical terms), it makes a contribution on a number of grounds.

6. With regard to consistency in decision making, my attention was drawn to the existing Hartford Court Care Home in terms of establishing the nature of the area's character and appearance, and also underpinning design principles of the proposed building. Whilst I agree that that building and its surrounds contribute to the overall character and appearance of the appeal site and its surrounding area, it is just one such feature that does so; amongst other elements I have identified in my decision on the planning appeal, the broad swathes of open space that run alongside roads and residential areas, as well as providing opportunities for informal and formal sport, leisure and recreation are particularly prevalent and characteristic of the surrounding area. Moreover, a considerable length of time has passed since that building received planning permission, and at a time when development plan policy, national planning guidance and material considerations were all materially different. I am not persuaded that the Council's consideration of the appeal scheme demonstrated inconsistency in decision making or an arbitrary refusal of the proposed development.
7. The appeal scheme was submitted in outline form with all matters other than access reserved for future consideration. The detail of the relationship of the proposed building to the existing is therefore uncertain at this time. Nevertheless, the indicative site layout plans suggest how a development of the scale and nature proposed could be accommodated within the appeal site and suggest that, in one location, the existing building and proposed building would be close to each other. Given the presence of the existing building, and the stated intended scale of the proposed building, the Council are not wrong to be concerned about this inter-relationship and the resulting effect on outlook. Whilst I do not agree with the Council in this respect, the scheme before me is in outline form and there could, for reasons I have set out elsewhere, likely be sufficient scope within the overall parameters of the site and the scope of the proposal to accommodate the development within the site without causing material or undue harm to living conditions. This does not in my judgement however amount to unreasonable behaviour on behalf of the Council.
8. Whilst I can understand the appellant's position regarding the outstanding matters that could have been resolved through the completion of an appropriately worded planning obligation, it is not uncommon in my experience for local planning authorities to take the approach that the Council has in this instance. The Council's refusal reasons go beyond just those matters that could have been resolved by the completion of a planning obligation and the application was not therefore refused solely on the grounds of unresolved financial contributions. I do not find the Council's approach in this respect to be unreasonable and whilst I accept that these are matters that would have to be resolved at some point, should the scheme proceed, I do not find fault with the Council's approach at the application stage.
9. As set out in my decision on the planning matters I am not persuaded that the provision of affordable housing, or the other matters that required resolution through the making of financial contributions, all secured by way of a planning obligation, could not have been resolved during the course of the application, or

during this appeal. Indeed, the appellant's submission make repeated reference to the preparation and completion of an appropriate planning obligation, but which has not been submitted. Nor has the appellant convincingly responded to the Council's indication that the matter of financial contributions secured by way of planning obligation were first raised within pre-application correspondence several months prior to the submission of the application for planning permission.

10. Although the timing of the publication of the updated Framework in December 2024 during the course of the application's consideration was unfortunate, it is nevertheless commonly understood that applications be determined on the basis of the development plan policies, and any material considerations, at the point of determination. The Council has sought to determine the application in a timely manner, which was ultimately refused on a number of grounds and not solely with regard to matters of affordable housing provision. I have no evidence before me to lead me to conclude that a longer period pre-determination would have allowed this matter to be resolved between the appellant and Council, and the subsequent failure to progress a planning obligation since lends weight to my conclusion in this respect. As such I cannot conclude that unreasonable behaviour incurring wasted expense has been incurred.
11. Therefore, for the reasons set out unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

G Robbie

INSPECTOR