
Costs Decision

Site visit made on 19 January 2026

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2026

Costs application in relation to Appeal Ref: APP/P2935/W/25/3374719 Needles Eye Cafe, Beach Terrace, Newbiggin-by-the-Sea, Northumberland NE64 6XE

- 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 Wayne Rigg for a partial award of costs against Northumberland County Council.
 - The appeal was against the refusal of planning permission for temporary lean-to glazed shelter for 5 months of the year (October-February).
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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. Local planning authorities must behave reasonably in relation to procedural matters at appeal and with respect to the substance of the matter under appeal. Examples of unreasonable behaviour could include preventing or delaying development which should clearly be permitted, failure to produce evidence to substantiate each reason for refusal, refusing planning permission on a planning ground capable of being dealt with by conditions or not determining similar cases consistently.
4. The applicant is seeking costs limited to the time and expense incurred in responding to the design and ecology reasons for refusal. They contend that the Council's reasons for refusal were unsupported by substantive evidence and each could have been addressed by the use of planning conditions. Moreover, the applicant considers that the Council failed to engage with the submitted expert evidence and treated the appeal scheme differently to a similar scheme elsewhere.
5. The reasons for refusal are set out clearly in the Council's decision notice. Further justification is provided in the officer report, with reference to local and national planning policy and guidance, representations received in response to the application, the evidence submitted in support of the proposal and other material considerations.
6. It will be seen from my decision that I agree with the Council's assessment with regard to the effect of the development on the character and appearance of the appeal site and surrounding area and the associated development plan conflict. No

planning conditions have been suggested that could have adequately addressed this matter. The Council thus acted reasonably in this regard and the appeal could therefore not have been avoided.

7. While it was not necessary for me to conclude on the second reason for refusal given my findings on the first, the Council must be satisfied beyond all reasonable scientific doubt that the proposal would not harm the integrity of the protected habitat sites before it could grant permission. The evidence must be sufficiently precise, robust and conclusive on this matter and typically cannot be reserved to planning conditions.
8. The Council's position was informed by advice from technical and statutory consultees, the views of whom have not substantially changed through their response to the appeal. I do not consider the Council's behaviour to have been unreasonable in this regard. Moreover, it is unclear from the applicant's costs statement which report revisions have incurred additional unnecessary cost.
9. The Council's third reason for refusal was informed by representations from a technical consultee. While the applicant did submit further information to address the concerns raised, this was late in the application process with insufficient time for the Council to re-consult technical consultees and fully assess the additional evidence. Given the nature of this issue, it could not reasonably be reserved to a planning condition.
10. While the Council is encouraged to work proactively with applicants, it is not obliged to extend the consideration of applications beyond the statutory target date. Having had time to assess this information through the appeal, the Council accepts that the third reason for refusal no longer applies. The Council was thus justified in refusing the application at the time on this basis and has acted reasonably in this respect.
11. The other planning permission referred to in the evidence is not directly comparable to the appeal case for the reasons set out in my decision, namely the natural and urban context of that site is materially different to the appeal scheme. The Council assessed the application on its own merits in accordance with its statutory duties, and there is no substantiated evidence it has acted inconsistently in its consideration of similar applications.

Conclusion

12. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ryan Cowley

INSPECTOR