Planning Inspectorate

Costs Decision

Site visit made on 21 January 2026

by P B Jarvis DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Costs application in relation to Appeal Ref: APP/W2845/25/3375972
Pury Hill Business Park, Alderton Road, Paulerspury NN12 7LS

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr G Taylor / Pury Hill Business Park for a full award of costs against West Northamptonshire Council.
- The appeal was against the refusal of planning permission for removal of stone cutting building and proposed padel court building and associated building.

Decision

1. The application for an award of costs is refused.

Reasons

2. 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. This can be in relation to both procedural and substantive matters.

3. In summary, the appellant contends that the Council failed to give due regard to the imposition of a condition to overcome its concerns, specifically to restrict the users of the proposed sports facility, and that this should have led the Council to conclude that a similar condition would address its concerns. Paragraph 56 of the National Planning Policy Framework (the Framework) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

4. By way of background, the original application, dated January 2025, was accompanied by a letter which stated that the proposal would provide further recreational facilities for the employees within the business park as well as the wider community.

5. In April 2025 the Council requested that additional information be provided in respect of the intended users of the facility, as well as a sequential test and further justification for the facility. In their initial response in May 2025 the appellant confirmed that whilst there would be a focus on those using the business park, the proposed use would also be available to the local community and all members of the public through a simple web / app booking system. Further information was also provided with regard to the proposed use itself, including evidence of need / demand and how the use was intended to be operated. Following clarification from

the Council regarding the purpose of the sequential test, some information regarding alternative sites / locations considered was also provided.

6. There appears to have been no specific response from the Council regarding the information submitted above but, subsequently, in a letter dated 23 July 2025, the appellant confirmed that following a survey of existing tenants and employees it was concluded that there was sufficient demand in order to viably support the proposal if its use was restricted for their use only. It appears that there was no further correspondence between the parties and the Council issued the decision on 21 August 2025.

7. The officer report (OR) dated 21 August 2025 sets out in some detail the reasons why the proposal was considered to be unacceptable, including the lack of a sequential test, and refers to much of the additional information provided by the appellant. However, much of the Council's concerns were based on an unrestricted use of the proposed facilities including by the general public.

8. The OR does not refer to the appellant's suggestion of a condition to restrict users of the proposed facility to those on the business park nor does it address whether the concerns identified would be overcome by it. The Council has confirmed that it did receive this letter and given that the appellant had specifically requested that such a condition be considered, that was a notable omission given what is stated in Framework paragraph 56.

9. However, the Council has, through the appeal, provided evidence to substantiate the reasons why it considers that the condition suggested would not satisfy the Framework paragraph 57 tests in this instance. The tests of enforceability and precision are relevant and the Council was not unreasonable to consider whether those tests would be satisfied having regard to the particular proposal, notwithstanding that similar conditions had been imposed on earlier permissions for other uses and facilities on wider business park site. Whilst I do not agree with the Council's findings in this regard, the arguments put forward are not so unreasonable as to conclude that the proposal should clearly have been permitted.

10. Therefore, unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance, has not been demonstrated.

P B Jarvis

INSPECTOR