



Costs Decision

Site visit made on 19 January 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Costs application in relation to Appeal Ref: APP/W2845/W/25/3373629

Land south of Furtho Lane, Potterspury, NN12 7PZ

- 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 Abbeymill Homes Ltd and Grand Union Housing (now Amplus Living) for a full award of costs against West Northamptonshire Council.
 - The appeal was against the refusal of the council to grant full planning permission for the erection of 20 affordable homes with upgrading of Furtho Lane, new access, parking, landscaping and all enabling works, and outline planning permission (all matters reserved) for 3 self-build homes.
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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. Both the unreasonable behaviour and an outline of the unnecessary or wasted expense incurred because of this should be demonstrated in an application for costs.
3. The application for a full award of costs is made on the substantive grounds that the proposal does not conflict with the development plan, as exception sites are by their very nature in the countryside, adjacent to settlements, and none of the development plan policies referred to in the council's reasons for refusal specify a 1ha site area threshold.
4. Whilst the National Planning Policy Framework (the Framework) is a material consideration, in relation to exception sites it states that these should not be larger than 1ha in size or exceed 5% of the size of the existing settlement. The applicants claim that this is an either / or situation, and as it is undisputed that the site area would be less than 5% of the size of the settlement, this policy would be complied with.
5. Moreover, the proposal was a hybrid application, only part of which relates to an affordable housing exception site. Accordingly, it is the applicants view that the whole of the site area should not have been assessed against the exception site policy, only the affordable housing area, which is below the 1ha size threshold. It is also alleged that the council's approach to its decision was different to that taken on other similar proposals in the area and by an Inspector in relation to a previous similar appeal.

6. The PPG is clear that local planning authorities will be at risk of a substantive award of costs where they fail to produce evidence to substantiate each reason for refusal on appeal, make vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and for not determining similar cases in a consistent manner.
7. Although Planning Committees are entitled to reach a different view to that of their professional advisors, such views must be justified by robust reasons. The first reason for refusal suggests that the site does not meet the criteria for an exception site due to its location in the countryside and its site area exceeding 1 hectare. It then goes on to list various development plan policies, none of which restrict exception sites in the countryside or their site area. Exception site developments are by their very nature developments that are supported as an exception to other policies that restrict new housing development in the countryside. As detailed in my decision, the size and location of the site do not conflict with any relevant development plan policies for exception site development.
8. I acknowledge that footnote 36 of the Framework is open to interpretation, and it is not difficult to see how different conclusions have been reached regarding this. I also agree that each case should be determined on its own merits having regard to relevant planning policies and material considerations. However, it is not sufficient to simply say this, and decisions should be determined in a consistent manner unless reasons are given for taking a different approach. No reasoning has been provided to explain why a different interpretation of footnote 36 was taken in this case when compared to that of other recent decisions.
9. With regard to the hybrid nature of the scheme, and the inclusion of the self-build housing, open space area and existing highway requiring improvement in the overall site area, I do not consider this to be unreasonable if these additional aspects are essential to make the scheme viable or acceptable in planning terms. Nevertheless, even taking the whole site area into account, and even if I were to agree with the council's interpretation of footnote 36, that sites must be less than 1ha as well as less than 5% of the size of the settlement, there is no explanation before me as to how this would make the scheme disproportionate to the size of the settlement or what harm the additional site area would cause to justify withholding planning permission for much needed affordable homes.
10. I note that the council was also slow to provide comments on the submitted Unilateral Undertaking (UU), which allegedly delayed its completion and execution. However, it is unclear how this would have resulted in any additional costs to the applicants or delayed proceedings, particularly given the time taken for the UU to be signed and submitted following the council's agreement to its wording.
11. For the reasons given above, I conclude that the council has failed to produce evidence to substantiate its reasons for refusal and therefore unreasonable behaviour has occurred. However, no explanation as to what type of unnecessary or wasted expense has been caused to the applicants because of this has been submitted, and consequently an award of costs is not warranted.

R Bartlett

INSPECTOR