



Costs Decision

Site visit made on 3 March 2026

by K Craddock BA (Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Costs application in relation to Appeal Ref: APP/M2840/W/25/3365403

108 Kestrel Road, Corby, North Northamptonshire NN17 5FP

- 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 David Bonilla-Saavedra for a full award of costs against North Northamptonshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a micro wind turbine installation located under the roof and exterior to the loft, controlled by automatisisation.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The applicant contends that the Council acted unreasonably by failing to determine within the statutory timescales, imposing a six-month temporary condition on the original consent and requiring a new planning application when it expired, the effect on the applicant's research and thesis, and the costs associated with a new noise assessment including vibration.
4. The aim of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities and not to add to development costs through avoidable delay. The PPG explains that local planning authorities are at risk from an award of costs where they have not determined similar cases in a consistent manner or they have failed to grant a further permission for a scheme that is the subject of a recently expired permission where there has been no material change in circumstances.
5. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit.
6. The Council has not responded directly to the application for costs and there is no evidence before me to explain the delay in determining the planning application. The failure to deal with the planning application in a consistent and timely manner, leading to this subsequent appeal, constitutes unreasonable behaviour.
7. I agree with the applicant that restricting the original consent to a six-month temporary permission was an unreasonable constraint and this necessitated having

to submit a new planning application once it expired. However, this appeal can only be concerned with the non-determined planning application and I cannot take into account matters concerning the original consent in this decision.

8. The applicant's evidence sets out that the wind turbine was to be the basis of the research for their thesis. This was impacted by the Council's failure to determine the planning application. As the Council had processed a recently expired permission for the same development and there had been no material change in circumstances, I find the Council's failure to determine it unreasonable.
9. The noise and vibration impact assessment is necessary to establish whether the proposal would have an acceptable impact upon living conditions. Good practice would encourage this report to be submitted at the start of the application and considered as part of the process. As the report would be necessary whether it was being submitted at the beginning of the application or, as in this case, to discharge conditions post-decision, the need for it is the same and I do not find that the applicant has experienced unwarranted costs in this regard.

Conclusion

10. The Council's failure to determine the application resulting in the applicant having to submit an appeal, and the subsequent impact upon their research and thesis, means that I find unreasonable behaviour by the Council. This has resulted in unnecessary and wasted expense, as described in the PPG, and it has been demonstrated that a partial award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Northamptonshire Council shall pay to Mr David Bonilla-Saavedra, the partial costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in submitting the appeal and the impact upon the applicant's research and thesis. Such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to North Northamptonshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

K Craddock

INSPECTOR