



Costs Decision

Site visit made on 31 March 2026

by **Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

Costs application in relation to Appeal Ref: APP/M2840/W/25/3374846 Land East of Ditchford Road, Wellingborough, Northamptonshire NN10 6AP

- 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 Richard Turner, on behalf of Innova Renewables Development Ltd, 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 installation of ground mounted solar array with associated infrastructure and landscaping.
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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. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. Costs may be awarded if there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether.
4. The applicant for costs contends that the Council failed to communicate adequately during the application process and this led to the need for the appeal. Moreover, it is alleged that representations from Natural England (NE) and the Council's Ecologist were withheld, and pre-application advice was not provided.
5. In the first instance, while all parties are expected to behave reasonably throughout the planning process, it should be noted that costs can only be awarded in relation to unnecessary or wasted expense at the appeal¹.
6. The Council has provided an appeal statement setting out the outstanding issues as it saw them and in which it maintained that further wintering bird survey information was required before determination. Nonetheless, the Council has recognised that communication was intermittent during the application process.

¹ Paragraph: 033 Reference ID: 16-033-20140306

7. The planning application was validated in January 2025, and several representations were made by NE. Based on the evidence, NE initially identified that further information would be required to determine the impact on the Special Protection Area (SPA). A subsequent response in July 2025 clarified the need for a further year of wintering bird surveys (to secure a total of 2 years of surveys). Correspondence from NE to the Council in October 2025 reiterated this.
8. However, in later representations dated 27 October 2025, following discussions with the applicant, NE recommended to the Council that a pre-commencement condition could instead be imposed to secure the remaining wintering bird surveys for the period from September 2025-March 2026. Conversely, the Council's Ecologist advised that they did not consider this appropriate, as it would be granting permission for development where the impacts on an SPA remained uncertain.
9. While NE is the statutory nature conservation body, the Council was the competent authority for the purposes of The Conservation of Habitats and Species Regulations 2017 (as amended) when determining the application. The Council should have due regard to NE advice but must itself be satisfied, beyond all reasonable scientific doubt, that there would not be adverse effects on the integrity of the SPA. It is thus not unreasonable for the Council to take the view that the additional required surveys be provided prior to determination.
10. The appeal was lodged on 21 October 2025, before the Council's Ecologist had provided their advice. Nevertheless, I recognise that by this point a considerable period had lapsed from validation of the application, and the response provided from the Council's Ecologist was significantly overdue. Any excessive delay in the determination of an application is regrettable, and the applicant's frustration with the level of engagement from the Council is acknowledged.
11. The evidence before me presents a somewhat confused account of NE's evolving position and when this was eventually made publicly available by the Council. Nevertheless, the applicant's own evidence indicates that they continued to engage directly with NE during the application determination period and were aware of NE's requirements in respect of the wintering bird surveys as early as April 2025.
12. Ultimately, the fundamental disagreement between the parties centred on the acceptability of reserving the second year of surveys to a planning condition. Nothing in the evidence would suggest that this disagreement could have been overcome or the delay avoided through earlier engagement or further discussion, particularly given the seasonal nature of the required surveys. Notably, the matter was only resolved through this appeal by submission of the surveys themselves.
13. Accordingly, there were substantive reasons for the delay in the determination of the application, and there is no compelling evidence to indicate that an appeal would have been avoided solely through better communication from the Council.

Conclusion

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

Ryan Cowley

INSPECTOR