
Costs Decisions

Hearing held on 14 April 2026

Site visits made on 14 and 15 April 2026

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2026

Costs application in relation to Appeal A Ref: APP/M2840/W/25/3366989

Land adjacent to Hillside, Brick Kiln Road, Raunds, NN9 6HY

- 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 and Mrs H Smith for a partial award of costs against North Northamptonshire Council.
- The appeal was against the refusal of outline planning permission for residential development of up to 86 dwellings (including 27 affordable units), vehicular access, and landscaping.

Costs application in relation to Appeal B Ref: APP/M2840/W/25/3364729

Land rear of Hillside, Brick Kiln Road, Raunds, NN9 6HY

- 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 H Smith for a partial award of costs against North Northamptonshire Council.
- The appeal was against a refusal to grant consent, agreement or approval to details required by condition No 1 of a planning permission Ref 20/00347/OUT, granted on 19 January 2022.

Costs application in relation to Appeal C Ref: APP/M2840/W/25/3364730

Land rear of Hillside, Brick Kiln Road, Raunds, NN9 6HY

- 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 H Smith 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 to grant consent, agreement or approval to details required by condition No 1 of a planning permission Ref 20/00347/OUT, granted on 19 January 2022..

Costs application in relation to Appeal D Ref: APP/M2840/W/25/3366988

New Barn Farm Industrial Estate, Brick Kiln Road, Raunds, NN9 6HY

- 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 R Hodgson and Sons Ltd for a full award of costs against North Northamptonshire Council.
- The appeal was against the refusal of planning permission for proposed mixed use employment development (extension of existing industrial estate), external works, landscaping and improvements to existing access.

Decision

1. The application in relation to Appeal A is allowed in part in the terms set out below.
2. The application in relation to Appeal B is allowed in part in the terms set out below.
3. The application in relation to Appeal C is allowed in part in the terms set out below.

4. The application in relation to Appeal D is allowed in part in the terms set out below.

Reasons

5. 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.

The applicants' case

6. The applicants' grounds for submission are extensive and were expanded on at the Hearing. The following is a summary of the claims.
7. The applicants contend that in relation to Appeal A the council acted unreasonably in refusing permission on parking grounds and the effect on neighbour living conditions when these could be controlled through reserved matters. In addition, the council did not consult Natural England on documentation submitted in response to their request for further information relating to the Nene Valley Gravel Pits Special Protection Area (the SPA) before including the matter as one of its reasons for refusal. The council subsequently acted inconsistently in relation to this issue, agreeing as part of the statement of common ground that the matter was resolved then reverting to a position of objection and defending its reason for refusal at the Hearing.
8. In relation to Appeal B the applicant contends that the council acted unreasonably in refusing permission on a lack of detail regarding materials when this was not raised during application stage, and could have been agreed by condition. This reason for refusal was withdrawn prior to the initially agreed date for the Hearing in October 2025.
9. In relation to Appeal C only the applicant states that the council raised no concerns during their consideration of the application about the details of materials and hard landscaping prior to stating that permission would have been refused on that basis. The council withdrew its opposition to the proposal on this basis prior to the initially agreed date for the Hearing in October 2025.
10. In relation to both Appeals B and C the council disputed the validity of both planning applications, in the case of Appeal B after refusing permission, due to concerns over the consistency with the planning obligation on the original outline permission. Without prejudice to their position that the applications were valid the applicant submitted a deed of variation with the appeals. The council's position on the acceptability of the deed of variation changed from initial acceptance to resistance, before it was accepted at the Hearing.
11. Relating to Appeal D the applicant contends that the council acted unreasonably in refusing permission on policy grounds when the development accords with the relevant development plan policies. The applicant also contends that the council acted unreasonably in its handling of the SPA reason for refusal as set out in relation to Appeal A.
12. The applicants further contend that the council failed to respond to correspondence during the appeal process, missing agreed deadlines for various documents and not engaging with the applicants in the production of Section 106 agreements. The

council took more than two weeks to respond to an updated statement of common ground prepared by the applicants ahead of the rearranged Hearing. At that point it sought to remove points within the statement that it had previously agreed to. Subsequently the council sought a further postponement of the Hearing, resulting in the applicants instructing a King's Counsel to represent them at the Hearing.

The council's response

13. In relation to Appeal A the council advises that it was not unreasonable to hold concerns over the scale of development. In relation to the SPA matter, the council maintained that insufficient information was provided to show that the development would not have a negative impact on the SPA. While a financial contribution secured by a Section 106 agreement could address recreational disturbance, Natural England maintained their opposition to the proposal including in correspondence dated 26 March 2026. The council did engage with the applicant during consideration of the application and advised them of Natural England's concerns. This included reconsultation based on the March 2024 Turnstone Ecology submission.
14. In relation to Appeal B the council sets out that it liaised with the applicant and requested full details of the external materials be provided as part of the planning application. It considered that these were required to satisfy the requirements of the condition on the outline permission. It also considered that the proposal failed to show sufficient open space within the development.
15. On the matter of validity for Appeals B and C the council considered that affordable housing needed to be addressed as part of the reserved matters application. This was a requirement of the Section 106 agreement, rather than of the council's local list. It accepts that the Deed of Variation addresses this point.
16. For Appeal C the council considers its failure to determine the application within the statutory period was not unreasonable, as there was insufficient information submitted with the application to allow the case to be approved. It accepts that its concerns over materials were addressed at appeal stage by the submission of additional material, and suggests that this demonstrates its willingness to work with the applicant.
17. In relation to Appeal D the council maintains that the proposal is contrary to development plan policies, and therefore there was no reason to grant permission. A recent appeal decision¹ led the council to reconsider the weight to be attributed to the policies and to withdraw its opposition on this ground. Its second reason for refusal relating to open space was addressed by additional information submitted at appeal stage, although some confusion arose due to a change in case officer during the appeal. The Travel Plan submitted with the application was initially found to be insufficient and was not resolved at the time the application was decided. In relation to the SPA, the council's position is as set out in relation to Appeal A.
18. In seeking a further adjournment the council considered that an adverse effect on the SPA cannot be ruled out, and in accordance with previous appeals and caselaw maintained its position that insufficient information had been provided. It also notes

¹ PINS ref: APP/M2840/W/25/3362393 Land East of Halden's Parkway, Thrapston, Northamptonshire dated 22nd October 2025

that the public had not been consulted on the comments. The council considers it is within its rights to raise concern as a precautionary approach.

19. The council notes that the appeal process has been complex. It contends that it has sought to work with the applicants throughout the process and that any perceived delay in response has been due to the variety of information required to address the matters presented. It notes that a change in case officer meant that some information was not shared with the current officer. The initial adjournment was agreed to allow the applicants to prepare additional information in relation to wintering birds. As the appeals hinge on Natural England's comments the council needed to wait for those comments before they could respond on the statement of common ground.

Applicant's response to the council

20. The applicants' response was made verbally at the Hearing.
21. The applicants maintain that the council has acted unreasonably. A copy of their ecology consultee's response on the application for Appeal D from December 2024 was only shared with the applicants in the week before the Hearing. This response indicated that the site was not considered to be functionally linked land. The council agreed to the original statement of common ground before the postponed Hearing which made no reference to the appeal sites being functionally linked land. It later sought to revise this position, reopening issues that had been agreed previously. It is not considered that the council sought to engage with the applicants in the process.
22. For appeals B and C the applicants consider that the council should have sought to address the matter of materials by condition. The council failed to engage in discussions over the deed of variation for appeals B and C, or for the planning obligations sought in relation to appeals A and B.

Reasoning

23. I am sympathetic to the council's position that the changeover in staffing within their planning department caused disruption in how the applications and subsequent appeals were handled. I am also mindful that the council was guided by Natural England's consultation responses. However, the council's own consultee considered that the site was not functionally linked land, and this information was available to the council from December 2024. Had that information been provided to the applicant during the application, with the council's initial appeal documents, or even when requested at the case management conference in September 2025, considerable expenditure of time and money could have been avoided. The failure to provide it until shortly before the Hearing more than a year after it was in their possession was plainly unreasonable on the council's part.
24. Had the Hearing proceeded in October 2025 as originally planned I would have had to make my decision without the benefit of the wintering bird survey of the appeal site. This survey was of considerable assistance in reaching my conclusion on this subject. I am mindful of the applicant's contention that no survey was necessary, but its findings provided significant additional support for their position. However, the failure to provide the ecology consultee's response led to the survey's

commissioning. The expense involved in relation to Appeals A and D therefore arose directly from the council's unreasonable actions.

25. Furthermore, the council's concerns around parking and neighbour living conditions for Appeal A were capable of being addressed at reserved matters stage. While they were not the only reasons for refusal, their inclusion as such did result in wasted time and expense in preparing for the appeal and Hearing.
26. In relation to appeals B and C the council withdrew its qualitative objections to the proposals before the first arranged date for a Hearing having considered the applicant's case. I do not therefore consider on balance that the council's actions on this point resulted in wasted expense on the part of the applicant.
27. The procedural point relating to the deed of variation was resolved by the time of the Hearing. I have not therefore had to take a view on whether the applications were valid. However, the council failed to engage in timely manner in discussions about the deed, was inconsistent in its responses, and its position remained unclear until the Hearing where it could have been resolved much earlier. This resulted in uncertainty and wasted expense for the applicants from the date of the postponement until the date of the reorganised Hearing.
28. In relation to Appeal D, the council was entitled to use planning judgement in assessing the appeal proposal against its development plan policies. It subsequently reviewed its case as more information was received at appeal stage, including a relevant appeal decision elsewhere in the district. I do not consider that the council acted unreasonably in handling these issues for Appeal D.
29. Nevertheless, the council has a responsibility to act reasonably throughout the planning process. In this instance it failed to do so on several points in relation to the four appeals. In considering the appeals it reversed its position on several issues from an initially agreed statement of common ground, causing additional work for the applicants. Its position in relation to several of the issues was unclear until the Hearing had opened, at which point it confirmed that it was conceding its position on almost all points in relation to Appeals A and D. It defended only the reasons for refusal relating to the SPA for those appeals, despite the evidence provided indicating that the appeal sites do not comprise functionally linked land to the SPA. While I have found that on some points its behaviour was not unreasonable, overall the council's approach has resulted in additional costs to the applicants.
30. The council's request of 31 March to postpone the Hearing again was unreasonable in occurring so close to the date of the Hearing. While it contained an updated response from its ecological consultee, it is not explained why this differs in substance from the December 2024 response that concluded that the appeal site was not functionally linked land. The STAUNCH challenge was ongoing at the time of submission, and therefore it is not clear that the original decision was in error. The Threeways appeal was determined in January 2026 and the Wood Lodge Farm decision was made in July 2025. Both could therefore have been raised earlier. In introducing such a significant matter so close to the date of the Hearing in such a fashion, the council acted unreasonably and caused additional expense to the applicants in having to respond. The applicant's choice to instruct a King's

Counsel was made by their own volition, however. While they may have considered it necessary to do so, the costs arising from that are therefore theirs to meet.

Costs Order

31. 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 and Mrs H Smith, the costs of the appeal proceedings described in the heading of this decision in relation to Appeal A limited to those costs incurred in commissioning the ecological survey of the appeal site, as well as the additional work resulting from its failure to reply to communications from the applicants including in relation to the agreement of the second statement of common ground, the late production of its ecological consultee's response, responding to the request on 31 March to further postpone the Hearing and responding to the reasons for refusal addressing parking and neighbour living conditions; such costs to be assessed in the Senior Courts Costs Office if not agreed.

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 H Smith, the costs of the appeal proceedings described in the heading of this decision in relation to Appeals B and C limited to those costs incurred in relation to the deed of variation from the date of postponement of the original Hearing date on 27 October 2025 until the date of the reorganised Hearing on 14 April 2026, and responding to the request on 31 March to further postpone the Hearing; such costs to be assessed in the Senior Courts Costs Office if not agreed.

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 R Hodgson and Sons Ltd, the costs of the appeal proceedings described in the heading of this decision in relation to Appeal D limited to those costs incurred in commissioning the ecological survey of the appeal site, as well as the additional work resulting from its failure to reply to communications from the applicants including in relation to the agreement of the second statement of common ground, the late production of its ecological consultee's response and responding to the request on 31 March to further postpone the Hearing; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicants are 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.

M Chalk

INSPECTOR