Planning Inspectorate

Costs Decision

Site visit made on 9 November 2026

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an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Costs application in relation to Appeal Ref: APP/W2845/X/25/3368893
West Barn, Tiffield Road, Gayton, Northampton NN7 3HH

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr A Kirkpatrick for a full award of costs against West Northamptonshire Council.
- The appeal was against the refusal of the Council to grant an LDC for occupation of a building as a dwellinghouse.

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. The onus of proof in an LDC case such as this is on the Appellant to provide sufficient precise and unambiguous evidence to justify a conclusion that the claimed use has gained immunity from enforcement action through the passage of time. The Council cannot be expected to provide evidence of the claimed use and it is only necessary for them to consider whether the Appellant's evidence is sufficiently precise and unambiguous for an LDC to be granted. They considered the evidence and concluded, as they are entitled to do, that it was insufficient.

4. The Council are entitled to rely on their Officer's Report as being their appeal statement and are not required to submit final comments. The Council considered whether the claimed use had gained immunity from enforcement action. But they failed to consider whether the claimed use, use as a dwellinghouse, could not have gained immunity, setting aside the evidence submitted, because the occupied building was not a dwellinghouse. That they failed to consider this fundamental factor was an error but this was not, in the context of the claim for costs, unreasonable.

5. The Council has not acted unreasonably and the Appellant has not therefore incurred wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector