
Costs Decision

Site visit made on 28 February 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 May 2017

**Costs application in relation to Appeal Ref: APP/T9501/W/16/3165383
Burnbank Farm, U5040 Greenhagh to Dunns House, Tarsset, Hexham
NE48 1LY address**

- 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 Messrs. Walton for a full award of costs against Northumberland National Park Authority.
 - The appeal was against the grant subject to conditions of planning permission for five two storey detached dwellings including new access from highway and internal circulation roads.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The case for the award of costs and the rebuttal were made in writing and I shall, therefore, not repeat them here.
 3. It is normal for the parties in an appeal to meet their own expenses. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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.
 4. This costs decision is not the place to re-run the merits of the appeal which are set out in the Appeal Decision.
 5. Whilst the applicant states that the reasons for refusal were unreasonable and unnecessary I have taken this to mean the conditions appealed were unreasonable and unnecessary.
 6. In the Appeal Decision I have set out why all but one of the appealed conditions was necessary. I therefore do not agree with the applicant in respect of those conditions. The condition which I agreed was unnecessary related to the removal of permitted development rights. This was a matter of judgement on the specific aspects of the site's characteristics. Whilst I did not agree with the Authority's reasoning as to why that condition was necessary, it did provide clear reasoning for its stance. As such, notwithstanding my difference of opinion on this matter, I do not consider the Authority was behaving unreasonably. Further, the evidence before me does not indicate that
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the points raised by the applicant were ignored by the Authority; rather, there was a difference of opinion.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and therefore no award of costs is made.

Zoë Hill

Inspector