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## Costs Decision

Site visit made on 14 February 2017

**by Nick Palmer BA (Hons) BPI MRTPI**

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

**Decision date: 14 March 2017**

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### **Costs application in relation to Appeal Ref: APP/Y2620/W/16/3163694 Three Owls Farm, Saxlingham Road, Blakeney, Holt NR25 7PD**

- 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 K Schilling for a full award of costs against North Norfolk District Council.
  - The appeal was against the refusal of planning permission for demolition of existing dwelling and construction of a replacement dwelling.
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### **Decision**

1. The application is refused.

### **Preliminary Matter**

2. The application has been submitted by Mr Schilling who is not the appellant but I understand is joint owner of the site with the appellant. I shall treat the application as having been made on behalf of the appellant.

### **Reasons**

3. The Planning Practice Guidance 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.
  4. The application is made on the basis that the Council acted unreasonably in refusing permission against the officer's recommendation, that it has not substantiated its reason for refusal and that it has introduced new arguments in its defence of the appeal.
  5. The Council suggests in paragraph 5.11 of its statement that the wire frames and montages in the supplementary Landscape and Visual Impact Appraisal (LVIA) are not a substitute for looking at the relevant views on site. This is merely an observation rather than a criticism of the LVIA and does not imply that the Council has disregarded the LVIA or found fault with it. Indeed the Council has based its assessment on the viewpoints provided in the LVIA.
  6. The basis for the Council's decision was that although the design of the proposed dwelling is similar to that previously approved it would be in a different location and on this basis more visually intrusive in the landscape. This issue is of particular sensitivity given that the site is within a Conservation Area and an Area of Outstanding Natural Beauty. I find that the Council has adequately substantiated its reason for refusal which took into account the available views of the proposal across the landscape as well as the previous
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decisions which had been made both by the Council and on appeal. I have found similarly in my decision on the appeal.

7. In its statement the Council has referred to the requirement of paragraph 116 of the National Planning Policy Framework (the Framework) which concerns major developments and as such does not apply to the proposal. However it is clear that the basis for the Council's decision is paragraph 115 of the Framework which is referred to in the decision notice and is relevant.
8. The Council's Planning Committee was entitled to come to a decision against the officer's recommendation taking into account the views expressed by third parties. For these reasons I find no unreasonable behaviour on the part of the Council.
9. For the reasons given I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

*Nick Palmer*

INSPECTOR