
Costs Decision

Site visit made on 28 March 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 12 April 2017

Costs application in relation to Appeal Ref: APP/V2635/W/17/3166897 27 Malthouse Crescent, Heacham, King's Lynn, Norfolk PE31 7DL

- 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 Mrs Jean Boswell for a partial or full award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of planning permission for a new dwelling.
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Decision

1. The application is refused.

Reasons

2. 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.
 3. The application is made on the basis that the Chairman of the Council's Planning Committee unduly influenced the Committee's decision on the planning application. The applicant is also concerned that the planning officers did not defend their recommendation. This has led to the preparation of the appeal.
 4. The Council has explained that the application was referred to the Planning Committee in accordance with its scheme of delegation because there was a difference of view between the Parish Council and the planning officers as expressed in the recommendation before the Committee.
 5. The minutes of the meeting state that the officer's report was presented to the Committee by the Principal Planner. The applicant and the Parish Council both then addressed the meeting. The Chairman initially queried one of the conditions that had been recommended before going on to say that she had visited the site and giving her view on the proposal. The matter was then open to debate and was proposed for refusal before being seconded by the Chairman.
 6. It is thus clear that the respective parties' views were presented to the Committee before the debate took place. It is to be expected that the Chairman would have declared her site visit and not unreasonable that she expressed her view on the proposal as an initial contribution to the debate. Her reference to the planning condition at the outset does not indicate pre-determination or bias but rather that she was considering different options.
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For these reasons I find no evidence that the Chairman sought to unduly influence the Committee's decision or that she was pre-determined in her view.

7. The Committee gave clear planning reasons for its decision and although I have found to the contrary in my decision on the appeal the Committee was not bound to follow the recommendation of its planning officers. In doing so it took into account the views of the Parish Council and other interested parties as is expected as part of the democratic process. This does not indicate any undue bias or unfairness.
8. Given that the Principal Planner made a presentation to the Committee and the Committee properly made its decision having regard to all views expressed there would have been no need for the planning officers to intervene or to defend the recommendation further.
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