
Costs Decision

Site visit made on 4 April 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 19th April 2017

Costs application in relation to Appeal Ref: APP/L2630/D/17/3166579 9A Lynch Green, Hethersett, Norwich NR9 3JU

- 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 Studio UrbanBlu Ltd for a full award of costs against South Norfolk District Council.
 - The appeal was against the refusal of planning permission for a house extension.
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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 Council's Development Management Committee refused permission against its officer's recommendation following a powerpoint presentation made to the Committee by the local Member which the applicant says contained inaccurate images. The applicant did not have the opportunity at the Committee meeting to challenge the accuracy of the presentation.
 4. The Council's planning officer presented the application to the Committee using plans and photomontages which had been supplied by the applicant and photographs which had been taken by the planning officer. The local Member's presentation also included some of those plans and photomontages as well as photographs. That presentation was provided to me by both main parties to the appeal. Two of the photographs have been adapted with the apparent intention of showing the height of the proposed extension as it would be seen in views along the road.
 5. The adapted photographs are clearly intended to be indicative of the height of the development rather than conveying its appearance in any detail. On this basis it is unlikely that they were taken as being anything other than indicative by the members of the Committee. Given that other illustrations provided by the applicant which accurately show the proposal were put before the Committee I find it unlikely that the Committee was misled or that its decision was based on inaccurate information.
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6. While I note that the applicant did not have an opportunity to address the Committee following the presentation it has not been demonstrated that any normal procedures for speaking at the Committee were not adhered to.
7. The Committee in coming to its decision took into account representations from interested parties as is to be expected in exercising its democratic function. The Committee was not bound to follow the officer's recommendation and was entitled to reach the decision it did. Full and adequate reasons for the decision were given which are based on matters of judgement.
8. 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