
Costs Decision

Site visit made on 17 July 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 3 August 2017

Costs application in relation to Appeal Ref: APP/E9505/W/17/3170595 The Workshop, Yarmouth Road, Ludham NR29 5QF

- 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 Dr Rupert Gabriel for a full award of costs against The Broads Planning Authority.
 - The appeal was against the refusal of planning permission for change of use of outbuilding (MT Shed) to residential dwelling.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and where this behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant makes no reference to the specific criteria in the Guidance against which the Council may have fallen foul such that an award of costs is justified. The arguments put forward are those already rehearsed in relation to the main appeal, namely that the Council has not accepted the appellant's arguments in relation to the structural condition of the appeal building and the viability of retaining it for uses other than residential conversion.
4. My considerations in relation to these matters are dealt with in my main Decision. In short, however, I share the Council's concerns about the shortcomings of both the structural assessment and the viability report. These concerns are not, as implied, a judgment on the professional integrity of the authors of these works but on their robustness (or lack thereof).
5. The Council has not sought to rebut the appellant's evidence in relation to these factors with reports of its own. Nonetheless, it makes cogent, reasoned arguments about the insufficient level of investigative detail with regard to the former and the somewhat narrow, and time limited, focus of the latter. Indeed, it is clear without recourse to rebuttal reports that the evidence provided is far from "*overwhelming*", as suggested by the appellant.

6. Even were this not so, given the Council's concerns about the loss of key features of the building arising from the proposed design, it is apparent that planning permission would still have been refused.

Conclusion

7. In conclusion, I do not consider that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has been demonstrated.

Richard Schofield

INSPECTOR