
Costs Decision

Site visit made on 22 August 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 31 August 2017

Costs application in relation to Appeal Ref: APP/F2605/W/17/3169929 Crimond, 98 The Street, Sporle PE32 2DR

- 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 and Mrs B Howell for a full award of costs against Breckland District Council.
 - The appeal was against the refusal of the Council to grant planning permission for permission for five plots for bungalows.
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 030¹ of the *National Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049² of the PPG explains that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to the substance of the matter under appeal, for example by preventing or delaying development which should clearly be permitted having regard to the development plan and other material considerations, by failure to produce evidence to substantiate the reasons for refusal, and by giving vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
4. The appellant applied for outline permission for five dwellings outside the settlement boundary of Sporle. This was refused permission on the grounds of its unsustainable location, as well as highway safety issues which were resolved during the appeal process.
5. The appellant argues that as the Council cannot demonstrate sufficient five year housing land supply (HLS), its policies restricting housing supply should be considered out-of-date and that consequently the development should be tested against Paragraph 14 of the National Planning Policy Framework (the Framework). However, although I have concurred that the Council cannot

¹ Reference ID: 16-030-20140306

² Reference ID: 16-049-20140306

demonstrate five year HLS, I have concluded that the policies cited in the reasons for refusal carry some, if limited, weight.

6. Furthermore, although noting that the site lies outside the settlement boundary, the officer's report considers the application in the context of its accessibility and connectivity to the village centre and draws upon the text of Paragraph 14 of the Framework in its analysis of planning balance. The report also draws attention to the emerging Local Plan which designates Sporle as a Local Service Centre. This was given limited weight by the Council but nonetheless, I conclude that it was considered in the overall planning balance.
7. As such, I am not satisfied that the Council's position on five year HLS and the settlement boundary was the sole determinative factor in their decision. Although I have reached a different conclusion in respect of accessibility, I conclude that the Council has not acted unreasonably. Consequently, unreasonable behaviour resulting in wasted expense has not been demonstrated.

Amanda Blicq

INSPECTOR