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## Costs Decision

Site visit made on 20 August 2018

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

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

**Decision date: 26<sup>th</sup> September 2018.**

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### **Costs application in relation to Appeal Ref: APP/G2625/Y/17/3181822 The Boardroom, Bethel Hospital, Norwich NR2 1NR**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Roger Gawn for a full award of costs against Norwich City Council.
  - The appeal was against the refusal of listed building consent for repair works to gable wall, west wall, attic floor & cornice. Reinstatement of former door opening into the Boardroom ante-room.
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### **Decision**

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

### **Reasons**

2. Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The costs application was based on two main grounds: (i) the refusal of the Council to accept a structural engineer's report dating from 2010; and (ii) the Council's incorrect claim that the boardroom anteroom doorway is not existing.
4. On the first ground it appears to me that the Council were of the view that the structural engineer's report was outdated by virtue of more recent deterioration to the property and that further exploratory work was required before agreeing on a scheme of repair. While I note the comments of Mr Morton in later submissions concerning the 2010 report, I can understand how the Council have interpreted them in a different manner, and therefore although I have disagreed with their view on this matter, I do not consider that they have behaved unreasonably on this ground.
5. On the second ground I have concluded in my decision that insufficient evidence has been submitted regarding the proposal in this aspect, and I have therefore agreed with the Council on this matter of the historical grounds for reopening the doorway.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Jon Hockley*

INSPECTOR