
Costs Decision

Site visit made on 3 September 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Costs application in relation to Appeal Ref: APP/L2630/D/19/3232380 45 High House Avenue, Wymondham NR18 0HY

- 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 Andrew Cook for a full award of costs against South Norfolk District Council.
 - The appeal was against the refusal of planning permission for a dormer loft conversion to single storey dwelling.
-

Decision

1. The application for an award of costs 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 Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant states that the appeal was unnecessary as the proposal complies with the development plan and there were other similar developments in the vicinity that the Council failed to take account of when reaching its decision. However, each proposal must be considered on its merits and the other dormers the applicant has referred to are not directly comparable to the appeal proposal.
5. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the South Norfolk Local Plan that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its Officer Report. The Officer Report demonstrates how the proposal would result in an unacceptable form of development as the report has made clear reference to the proposal's scale, size and visibility.
6. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could

not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the applicant's claim for costs fails.

G. Pannell

INSPECTOR