
Costs Decision

Site visit made on 22 October 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Costs application in relation to Appeal Ref: APP/K2610/W/19/3234936 Rookery Nook, Drayton Lane, Horsford, Norwich NR10 3AN

- 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 Stallard for a partial award of costs against Broadland District Council.
 - The appeal was against the refusal of planning permission for the erection of three detached dwellings and creation of two new access points onto Drayton Lane.
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Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicants consider that the Council, at appeal stage, have effectively introduced new reasons for refusal. This, they consider, has led to unnecessary additional time and expense being incurred during the final comments stage of the appeal.
4. The refusal reasons that were given when planning permission was refused relate, in-part, to harm being caused to the general character and appearance of the Lane where the site is located. The reasons also reference conflict with Policies GC4 and EN2 of the Development Management Development Plan Document (adopted August 2015), which relate to design and landscape considerations respectively. I note that Policy GC4 contains a variety of design-based provisions that proposals are expected to pay adequate regard to.
5. The Council, in their appeal statement, have suggested that the indicative layout would introduce 'backland development' and contrived access arrangements and suggest that the only alternative layout would be if all 3 proposed dwellings were located to the western side of the site. These specific points were not raised when the Council resolved to refuse to grant outline planning permission.
6. However, the Council made it clear that these additional points were being made in the context of an indicative layout that was not for determination at outline stage. The matters raised, whilst relevant to the planning appeal to

which this costs application relates, pertain to indicative details and can be observed to expand upon the original reasons given for refusing to grant outline planning permission. Thus, I do not consider that new reasons for refusal have been introduced and note that the points raised at appeal stage relate to alleged conflict with the same DMDPD policies that were pinpointed when permission was refused.

7. I also note that the additional points raised by the Council are not supported by substantial new evidence. The appellant has had the opportunity to respond within a suitable timeframe and appeal proceedings have not been prolonged as a result.
8. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Having had regard to all other matters raised, an award of costs is therefore not justified.

Andrew Smith

INSPECTOR