
Appeal Decision

Site visit made on 7 November, 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 8th January 2020

Appeal Ref: APP/F2605/W/19/3227344

Land Adjacent to The Blue Lion, Houghton Lane, North Pickenham, Swaffham PE37 8LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Crossley Eccles against the decision of Breckland Council.
 - The application Ref 3PL/2018/0795/F, dated 22 June, 2018 was refused by notice dated 11 April, 2019.
 - The development proposed is construction of a single detached dwelling and access to Houghton Lane.
-

Decision

1. The application for a full 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 appeal was determined by elected members of the Planning Committee who decided to overturn the recommendation of the Planning Officer. As such the application was refused. The appellant is aggrieved through what they saw as the unreasonable behaviour of members of the Planning Committee who, when faced with the evidence before them, decided to refuse planning permission.
4. The Appellant states that such a decision went against the advice of specialist officers, including that of the Environmental Protection Officer, the Historic Buildings Consultant as well as the Council's Legal Representative. This led to more time being consumed by the appellant, and thereby more costs and delays incurred, through the need to appeal the refusal of planning permission.
5. I am unable to determine the precise reasons why elected members sought not to act upon the advice of their officers in this case. However I do not consider that the reasons outlined within the refusal are unreasonable or extend the remit of the authority of elected councillors. As such I consider the concerns of members of the Planning Committee were legitimate and reflected the level of local objection to the proposal.

6. In light of this I consider that the actions of members of the Planning Committee were justified and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

A. Graham

INSPECTOR