The Planning Inspectorate

Costs Decision

Site visit made on 16 February 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Costs application in relation to Appeal Ref: APP/V2635/W/20/3263436
Cedar View, Walnut Road, Walpole St. Peter, PE14 7PE

- 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 Darren Boyle for a full award of costs against King's Lynn and West Norfolk Borough Council.
- The appeal was against the refusal of planning permission for the erection of detached machine store (with storage above) and erection of external bar and associated change of use.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 applicant submits that the Council has acted unreasonably because the application was refused planning permission against the recommendation of Council Planning Officers, that they failed to demonstrate what harm would be caused by the proposal, that they failed to consider the fallback position of the extant planning permission or the use of conditions to address the impacts of the development on the countryside.

4. Whilst I accept that it will have been frustrating to the applicant that the Council Members took a different view to that which was recommended by their Officers, they were entitled to take this course of action and it does not represent unreasonable behaviour. Furthermore, Council Members clearly set out their reasons for refusing the planning application and they have substantiated these reasons during the appeal process. Therefore, the Council has not acted unreasonably in its determination of the application or during the appeal process.

5. It is evident from the Council's submissions that the extant planning permission was considered as part of the determination process. Whilst the applicant suggests that a planning condition could have been used to address the impact on the countryside, the Council's case in that respect relates primarily to the impact of the proposed encroachment into the countryside. Therefore, the Council did not act unreasonably in its approach to the extant planning permission or in not considering the use of a planning condition.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for costs fails.

Graham Wraight

INSPECTOR