
Costs Decision

Site visit made on 4 May 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 May 2021

Costs application in relation to Appeal Ref: APP/V2635/W/20/3264352 62 Salts Road, West Walton, Norfolk, PE14 7EJ

- 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 R Harris for a partial award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of planning permission for construction of proposed dwelling.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) states that at planning appeals parties are normally expected to meet their own costs. However, costs can be awarded where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process. This is set out in paragraph 028 of the PPG. Moreover paragraph 027 of the PPG states amongst other things that any costs incurred should have been incurred during the process by which the Inspector's decision is reached.
3. There is no suggestion by the applicant in their costs claim that the Council has behaved unreasonably, and therefore led them to incur wasted or unnecessary expenditure, whilst the appeal has been before me. The claim for costs made by the appellant relates to the conduct of the Council prior to the determination of the planning application that gave rise to this appeal.
4. The PPG states that costs cannot be claimed for the period during the determination of the planning applications. However, it does state that I can take account of behaviour and actions during the period of the determination of the planning application in deciding whether or not to make an award of costs. This is set out in paragraph 033 of the PPG.
5. In terms of the timelines involved it appears to me that the notice requiring further details to be supplied in terms of the relevant part of the legislation was issued by the Council on 27 August 2020. The notice of decision refusing planning permission for the appeal proposal was issued on the 10 November 2020 and the appeal has a start date of 5 January 2021. Therefore, the actions which the applicant alleges were unreasonable and led them to incur wasted or unnecessary expenditure took place well before any appeal was before me, in other words, prior to the process by which I reached my decision.

6. Furthermore, whilst there is reference to the reason for refusal of the appeal application in the applicants cost claim there is no suggestion that the reason for refusal itself is unreasonable or has no substance. Therefore, there is no alleged unreasonable behaviour in relation to either the substance or conduct of the appeal where I can take account of the alleged unreasonable behaviour during the processing of the appeal planning application in deciding to award costs.
7. I therefore conclude, that as there is no allegation of unreasonable behaviour which has led to the applicant to incur unnecessary or wasted expenditure during the appeal process, for this reason, the application for a partial award of costs is refused.

Peter Mark Sturgess

INSPECTOR