



Costs Decision

Site visit made on 18 January 2022

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Costs application in relation to Appeal Ref: APP/Y2620/W/21/3267614 Storage Barn, Morston Road, Blakeney NR25 7BG

- 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 D Broch for a full award of costs against North Norfolk District Council.
 - The appeal was against the failure to give notice within the prescribed period of a decision on an application for planning permission for Change of use and extension to existing storage barn to form new dwelling and enable rare chalk grassland creation scheme.
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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 that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. It is the appellant's case that the Council failed to engage with what the appellant considered to be a key aspect in relation to the proposed development. Accordingly, the appellant considers that the Council have failed to work in a positive and proactive manner to seek solutions to progress the application to determination. This, the appellant contends, has caused additional money to be spent by the appellant due to protracted discussions and the cost of undertaking an appeal.
4. In response, the Council states that they requested additional time to process the application due to the upgrading of computer software. However, regardless of the reason, I have found in favour of the Council's approach to the proposal. Additionally, for the reasons identified in the appeal decision, I have found that Paragraph 80 of the National Planning Policy Framework was not determinative to the outcome of the appeal. Consequently, the lack of response on this point has not resulted in an unnecessary appeal or prevented development coming forward that should have been approved.
5. Based on the evidence before me, I am satisfied that the Council have suitably articulated their case, and although the decision was not made within the determination period, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice

Guidance, has not been demonstrated and that therefore, an award of costs is not justified.

Martin Chandler

INSPECTOR