



Costs Decision

Site visit made on 14 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Costs application in relation to Appeal Ref: APP/K2610/D/22/3292559 54 Freeland Close, Taverham, Norwich NR8 6XR

- 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 Mike Dawson for a full award of costs against Broadland District Council.
 - The appeal was made against the refusal of planning permission for a single-storey side extension.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Government's Planning Practice Guidance (the Guidance) advises that all parties in appeals are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. This application for costs has been considered on its merits in the light of the costs advice found within the Guidance, the appeal papers, the costs correspondence and all the relevant circumstances relating to the planning application and the appeal. The parties are also referred to my appeal decision.
4. The application for an award of costs is made on a substantive basis, relating to the planning merits of the appeal. Mr Mike Dawson says the Council behaved unreasonably in 3 key ways in this regard. The Council has not responded to the costs application, so the points raised have not been rebutted.
5. Firstly, it is said that the Council had no evidence for refusing the application on parking grounds and may have been swayed too far by public opposition to the scheme which in itself is not a valid reason for refusal. In the face of the clear guidance from officers of the local planning authority and the highway authority to approve the application, the assertions made about the proposal's impact on parking were generalised and were focussed on car parking standards in a supplementary planning document which were to be regarded as indicative levels where variations about the levels may be permitted. I found on the main issue that there would be no undue detriment with regard to parking provision for any reason. Having regard to how the scheme would not substantively increase the demand for parking, the existence of adequate off-street and on-street parking opportunities and the impracticalities of providing a second on-site parking space, there would be no material conflict with the

underlying aims of the relevant development plan policies and local guidance. Any objective analysis on the matter of parking could only logically produce one conclusion, along the lines advanced by the appellant, the Council's officers, the highway authority and myself in the appeal decision.

6. Secondly, it is clear that the Council has not determined similar householder cases on Freeland Close in a consistent manner. Officers correctly warned the Planning Committee about other planning permissions for extensions that increased the number of bedrooms without the need for additional parking spaces being provided. Mr Mike Dawson has submitted the full details of one such case at no. 10 Freeland Close. I referred to that case in my appeal decision.
7. Thirdly, the Council did not delve into the clear fallbacks available to the appellant or have due regard to the Public Sector Equality Duty, both of which I covered in my appeal decision. Had the Council had regard to these material considerations, the application might not have been refused and the development might not have been prevented.
8. The substantive flaws exhibited by the Council amounted to unreasonable behaviour when viewed in the round. They gave rise to the appeal being made and this resulted in unnecessary expenses for Mr Mike Dawson. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Broadland District Council shall pay to Mr Mike Dawson, the full costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Broadland District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Andrew Dale

INSPECTOR