
Costs Decision

Site visit made on 9 August 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2022

Costs application in relation to Appeal Ref: APP/V2635/W/22/3296349 House'Em'Ever, 41A Station Road, Heacham PE31 7EX

- 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 and Mrs Sopp 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 development described as 'Proposed dwelling following sub-division'
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that costs may be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include refusing to provide reasonably requested information when a more helpful approach would probably have resulted in the appeal being avoided altogether.
4. The appellant considers that the Council has behaved unreasonably by not positively engaging into discussions regarding their concerns about the appeal proposal. The Council contends that their concerns were clearly expressed and that an amended scheme was not forthcoming.
5. There is evidence of dialogue between the parties, albeit with some significant gaps between responses. The email of 15 April 2021 set out the concerns of the Council and offered some suggestions as to how these could be addressed. These concerns were reiterated in subsequent correspondence and in essence form the reason for refusal.
6. The Council's stance has been consistent throughout and expressed in terms that were sufficiently clear that an amended scheme could have been prepared during the application process. I also note that in the responses to the Council, it was stated that some aspects of the proposal, which the Council had clearly expressed concern with, would not be altered. While further dialogue was requested, there was no suggestion that these aspects were now open to

reconsideration. Given the passage of time on this application, it was not unreasonable for the Council to issue a decision.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Downs

INSPECTOR