



Costs Decision

Site visit made on 7 September 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Costs application in relation to Appeal Ref: APP/K2610/W/22/3300076 North Farm, Green Lane, Horsford, Norwich NR10 3ED

- 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 & Mrs Johnson for a full award of costs against Broadland District Council.
 - The appeal was against a refusal to grant outline planning permission for the erection of two dwellings.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include where an LPA has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; or has persisted in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable.
4. The appellant contends that the Council's decision did not pay sufficient regard to an appeal decision at 'Land East of Oak Deane, Green Lane'¹ and that the Council is misapplying its policy in respect of sites for housing outside settlement boundaries. However, the Council's delegated report specifically considered that appeal decision. Furthermore, the Council has drawn my attention to subsequent appeal decisions² where the Inspectors in those cases found the relevant policy to be broadly consistent with the National Planning Policy Framework. Therefore, the Council was entitled to reach its own reasoned conclusion on this matter as have I.
5. With regards to the suggestion that sufficient regard has not been given to the self-build aspect of the scheme, the proposal is particularly lacking in detail in this respect. No mechanism has been put forward to secure the development for self-build purposes. Furthermore, there is no substantive evidence before

¹ Appeal Ref APP/K2610/W/20/3255135

² Appeal refs APP/K2610/W/21/3278396 & APP/K2610/W/21/3275889

me to dispute the Council's position that it has an up-to-date list of self-build sites to meet demand on its register. Therefore, I am not persuaded by the evidence before me that the Council should have applied more weight to this aspect of the scheme.

6. Finally, the Council's appeal performance record is not relevant to my consideration of costs in this instance which must be based on the particular circumstances of the case before me.
7. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR