



Costs Decision

Inquiry held on 28-29 June 2023

Site visit made on 28 June 2023

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2023

Costs application in relation to Appeal Refs: APP/V2635/C/21/3286363; APP/V2635/C/21/3286364; APP/V2635/C/21/3286365; APP/V2635/C/21/3286366

Robyn's Nest, Baldwins Drove, Outwell, Norfolk PE14 8SB

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr J Vickers; Mr J Vickers; Ms C Vickers and Ms P Vickers for a full award of costs against King's Lynn and West Norfolk Borough Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging the material change of use of the Land from agricultural use to a mixed use of agricultural land and use for residential purposes.
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Decision

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

The submissions for Mr J Vickers; Mr J Vickers; Ms C Vickers and Ms P Vickers

2. The application was made orally at the inquiry. The gist of the claim is that the Council issued a defective notice. It is said that the appellants do not understand it, for the reasons set out in relation to the appeals. This has led to unnecessary appeals and associated costs.

The response on behalf of King's Lynn and West Norfolk Borough Council

3. The appellants' case acknowledges that there has been a change of use from agricultural use to a mixed use of a family home with agricultural use¹. A family home is a kind of residential use. The allegation in the notice is clear, correct and precise and should therefore have been easily understood. Consequently, there was no wasted expense.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, 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.
5. The appellant appealed on grounds including ground (b) (that the matters stated in the notice have not occurred). Much of the appellant's case centred on the claim that the noticed lacked clarity. I consider this in the appeal

¹ Hearing Statement para 4.2

decision and conclude that, while the area targeted by the notice was too large, the allegation was an accurate description of the breach of planning control.

6. Consequently, I do not accept that the notice was so defective that it could not be understood by the appellants. Rather, I have concluded that it is capable of correction without causing injustice to either party. Although I have reduced the site area, the central issue – the introduction of a new residential use – was clearly understood by all parties. Indeed, the notice explained why the Council objected to residential use on the site and the appellant's case on ground (a) sought to address those concerns.
7. For these reasons I conclude that unreasonable behaviour has not been demonstrated. It follows from this that it is not necessary to consider the question of unnecessary or wasted expense and an award of costs is not warranted.

Peter Willows

INSPECTOR