



Costs Decision

Site visit made on 21 February 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Costs application in relation to Appeal Ref: APP/Y2620/W/23/3321477 Land South of New Road, Baconsthorpe, Norfolk NR25 6LW

- 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 Mrs Susan Andrews for a full award of costs against North Norfolk District Council.
 - The appeal was against a failure to give notice within the prescribed period of a decision on an application for planning permission for 'Change of use of land to provide tourist accommodation consisting of 3 x converted railway carriages, 3 x shepherds huts, 1 x air stream and 1 x accessible timber cabin, parking areas including electric vehicle charging points, bin store and solar panels.'
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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 the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG provides that Local Planning Authorities (LPAs) 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 preventing or delaying development where it should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material considerations; or refusing to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
4. The Council's letter dated 15 March 2023 requested an extension of time until 30 September 2023 to determine the planning application on the basis that matters relating to nutrient neutrality could not presently be resolved. However, other correspondence during the planning application process referred to the Council's concerns in respect of the principle of the development in this location. I have also found the proposal conflicts with the locational requirements of the development plan. This matter would not have been overcome on a resolution of the nutrient neutrality matter. Therefore, it is not clear why the Council could not have proceeded to its decision more expeditiously.
5. Furthermore, the Council's appeal case also sets out its concerns in respect of the effect of the proposal on the character and appearance of the area and in

terms of safe and suitable access not being provided. In the latter respect, the Highway Authority raised its detailed concerns during the application process. I cannot be certain on the basis of the evidence before me how well these other concerns were communicated. However, such matters further indicate that the effect of the proposal on designated European habitats sites was not the only determining factor.

6. While I can understand the appellant's frustration in respect of the drawn-out nature of the planning application process, given the Council's overriding concerns, it is unlikely that a favourable decision would have been forthcoming or that an appeal could have been avoided. I have reached similar conclusions to the Council in respect of all of its concerns. Therefore, unreasonable behaviour which has caused unnecessary expense in the appeal process has not clearly been demonstrated in this instance. The application for costs is therefore refused.

M Russell

INSPECTOR