
Costs Decision

Site visit made on 24 April 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Costs application in relation to Appeal Ref: APP/V2635/W/23/3327057 Land adjacent Castle Acre CofE Primary Academy, Back Lane, Castle Acre, Kings Lynn PE32 2AR

- 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 Michael Bevan for a full award of costs against King's Lynn & West Norfolk Borough Council.
 - The appeal was against the refusal of planning permission for the construction of 10 glamping pods installed over two phases for use as holiday accommodation.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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. In this case the appellant argues that the Council behaved unreasonably as the Community Safety & Neighbourhood Nuisance Team (the CS&NNT) maintained an objection to the proposal despite an officer having made a comment in an email dated 12 March 2021 that 'pushing the pods further down the site would certainly bring about a greater separation distance from the dwellings which in turn would further reduce the noise (and any odour) impact/s, so I would be in support of that'. The scheme was amended accordingly in the subsequent application and the appellant assumed that the amenity objection had been overcome. The refusal was therefore unexpected, and this led to an unnecessary appeal and hence wasted expense.
4. Two other issues were raised in the appellant's final comments, that no time was given to resolve this matter and no account was taken of a potential fall-back position, but these were not part of the original application for costs.
5. Turning to the complaint, the comments of the CS&NNT were encouraging for the appellant but no more than a statement of the obvious, moving the pods away from the housing would help. They were contained in a brief, informal email with no detailed environmental noise assessment available at the time – one was not prepared until January 2022 for the application under appeal. The assessment allowed the Council to quite properly reach a formal considered view which superseded any previous informal comments.

6. The Council has also objected to the proposal on the basis of its impact on the character and appearance of the area, so an appeal would have been necessary in any event. Overall, the appellant was entitled to challenge the Council's decision at appeal but the process by which the decision was reached was not unreasonable.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

David Reed

INSPECTOR