



Costs Decision

Site visit made on 6 August 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Costs application in relation to Appeal Ref: APP/G2625/Z/23/3335634 40-46 St Stephens Street, Norwich, NR1 3SH

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Open Outdoor Media Ltd for a full award of costs against Norwich City Council.
 - The appeal was against the refusal of the Council to grant express advertisement consent for the installation of a digital advertising screen above the St Stephens Street entrance of the Chantry Place Shopping Centre.
-

Decision

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

Reasons

2. 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.
3. The applicant is applying for a full award of costs on the grounds that the Council behaved unreasonably by failing to consult with its internal Heritage and Design Team prior to determining the application, who may potentially have advised that the public benefits arising from the Council's use of the proposed display screen would be sufficient to outweigh the greater harm caused by the digital advertising screen. This may have led the Planning Officer to reach a different decision, which may in turn have avoided the need for an appeal and the associated costs.
4. There is no statutory requirement for the Local Planning Authority to seek any internal or external specialist heritage advice in relation to advertisements in conservation areas. Advertisements are not development, and their display can be controlled only in the interests of amenity and public safety.
5. There is nothing before me to suggest that had the Heritage and Design Team been consulted, they would have supported the display of the advertisement. Indeed, the evidence before me suggests that they objected to an advertisement application relating to a similar display above a different entrance to the shopping centre. Furthermore, the advice of consultees is not binding, and the Council would have been within its right to reach a different decision to its Heritage and Design Team on this subjective matter of amenity.
6. Although I have been advised that advertisement consent was granted to display a large digital poster above another entrance to the shopping centre on the grounds that the public benefit of the advertisement being used to display

messages on behalf of the Council would outweigh the heritage harm in that case, I have set out in my decision the different amenity context in which the existing and proposed advertisements are experienced. As also pointed out in my decision, the Advertisement Regulations clearly state that consent shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed. Accordingly, it would not be possible to secure the benefit offered, which would not be required in the interests of amenity or public safety.

7. I am therefore satisfied that the Council did not act unreasonably in not consulting its Heritage and Design Team on the proposal and there is no evidence to suggest that this action resulted in an appeal that could have been avoided.
8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Bartlett

INSPECTOR