



Costs Decision

Site visit made on 19 November 2024

by D R McCreery BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

**Costs application in relation to Appeal Ref: APP/K2610/W/24/3345627
Holly Cottage, 54 Primrose Corner, Woodbastwick, Norwich NR13 6JL**

- 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 Mark and Kate Bowen for an award of costs against Broadland District Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for refurbishment and extension to existing cottage including construction of extensions to the outbuilding and the main house, alterations to the main house and construction of garden shed, summerhouse, and carport. Associated external works including modifications to existing drainage infrastructure and landscaping work.

Decision

1. The application for an award of costs is allowed, in part, in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural (i.e. relating to the process) or substantive (i.e. relating to the issues arising from the merits of the appeal), with non-exhaustive examples of each set out in the PPG¹.
3. During the appeal process, potential errors were identified in the Council's statement of case. The Applicant's view on the extent of the potential errors is expressed in their costs claim, which the Council have not responded to in substance. Considering the Council's statement of case, I consider the Applicant's account to be accurate and, on the balance of probabilities, regard the information provided by the Council in their statement of case to be manifestly inaccurate.
4. The Council's behaviour placed the Applicant in the position of compiling final comments for the appeal based on confusing and inaccurate information, with associated wasted expense.

¹ Paragraphs 047,049,052 and 053

5. As the Council's error arose after the deadline for final comments, a more wholesale update to the Council's statement of case was not deemed admissible and would have likely led to a more extensive delay to the appeal decision and further potential for wasted expense.
6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the appellant preparing final comments and a partial award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Broadland District Council shall pay to Mark and Kate Bowen the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparing final comments; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Broadland District Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D R McCreery

INSPECTOR