



Costs Decision

Site visit made on 25 February 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Costs application in relation to Appeal Ref: APP/V2635/W/24/3351655

Land at Freebridge Farm, Clenchwarton Road, West Lynn, King's Lynn, Norfolk, PE34 3LW

- 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 National Highways for a full award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for highways depot comprising maintenance building, salt barn and ancillary offices plus parking and landscaping without complying with conditions attached to planning permission Ref 22/01332/FUL, dated 22 September 2022.
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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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the procedural handling of the case, and the substance of the matter under appeal. The applicant's costs claim is made on the basis that the Council unreasonably refused the planning application through the misapplication of planning policy and in doing so, prevented or delayed development which should have been permitted.
4. The effect of a proposal on the living conditions of a neighbouring occupier is a matter of judgement for the decision-maker, depending on the specific context of the site and the circumstances of the case. A planning committee is not duty bound to follow the recommendation of its professional officers. It is clear from the minutes of the planning meeting that members asked questions and discussed the implications of the proposal before coming to its decision.
5. The lack of objections from consultees does not equate to a lack of harm and the formality of technical evidence does not override other forms of evidence. The planning committee is entitled to consider the evidence before it in the round, including observations made during a site visit. In my decision I have found that the Council had reasonable concerns with regard to the effect of the development on the living conditions of neighbouring occupiers, which justified its decision.

6. In addition, the reason for refusal set out on the Council's decision notice is complete and relevant to the proposal, referencing the relevant policies of the development plan that the proposal was considered to conflict with. I am satisfied that the Council substantiated its decision, including more detailed comments in its statement of case.
7. For these reasons, it has not been demonstrated that the Council deliberately sought to prevent development that should have been permitted. Instead, it highlights the difference of opinion between the parties in respect of the planning merits of the proposal. It therefore follows that unnecessary or wasted expense has not been incurred.

Conclusion

8. I find that unreasonable behaviour as described in the PPG resulting in unnecessary or wasted expense has not been demonstrated. An award of costs is not justified.

M Clowes

INSPECTOR