



Costs Decision

Site visit made on 10 February 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Costs application in relation to Appeal Ref: APP/U2615/W/24/3347097

Hall Farm Business Park, Martham Road, Rollesby, Norfolk NR29 5DR

- 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 Chris Tooke for a full award of costs against Great Yarmouth Borough Council.
 - The appeal was against the grant subject to conditions of planning permission for the retrospective application for proposed retention of 4 units (6, 6a, 19 and 20) and the erection and/or completion of 3 no. new buildings (Units 9, 10 and 11, 7 in total) on the submitted plan to be used as storage/workshop units and for office use.
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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. The PPG states that awards may be either procedural, in regard to behaviour in relation to completing the appeal process, or substantive, which relates to the planning merits of the appeal. This is a substantive application.
3. The applicant's cost claim asserts that the Council have imposed conditions on the planning permission that are unreasonable, not necessary, or do not meet the tests for planning conditions. Moreover, the applicant indicates that a condition cannot be complied with. The Council has not provided a response to this cost application.
4. The Council's delegated report provides an adequate justification for each of the disputed conditions. While the appeal has been allowed and I made alterations to one of the disputed conditions, in order to ensure that the timeframe for compliance can be reasonably complied with, such amendments do not fundamentally alter the aims of the condition. Moreover, I have found that the disputed conditions are reasonable and necessary and otherwise meet the tests for planning conditions as set out in the PPG and the National Planning Policy Framework. As such, I am not persuaded that the Council has acted unreasonably in the substantive matters that have been raised.
5. Consequently, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail.

S Pearce INSPECTOR