



Costs Decision

Site visit made on 21 July 2025

by **K Allen MEng (Hons) MArch PGCert ARB**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Costs application in relation to Appeal Ref: APP/V2635/W/25/3363204 Pentney Woods, Common Road, Pentney, King's Lynn, Norfolk PE32 1LE

- 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 Forestscape Ltd for a full award of costs against.
 - The appeal was against the refusal of planning permission for the Change of Use of Woodlands to Holiday and Recreational Site; Including the Siting of Portable Eco Holiday Lodges; Woodland Centre and Reception, Health and Wild Swimming Centre, Car Parking and Associated Works
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Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which 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.
3. The applicant is seeking a full award of costs on substantive grounds. It is alleged that the Council has acted unreasonably by failing to accept professional and specialist officer advice, failing to produce substantive and defensible evidence to support their decision, giving vague generalised or inaccurate assertions about the proposal's impact which is unsupported by any objective analysis and failing to consider whether planning conditions would enhance the quality of the development and enable the development to proceed by mitigating the adverse effects.
4. In my decision upon the planning appeal that is the subject of this application, I have acknowledged the Council's concerns regarding character and appearance and the natural environment and environmental qualities of the surrounding area. However, based on the information submitted including various ecological, arboricultural and drainage reports as well as the imposition of appropriate conditions, I have concluded that the proposal would accord with the development plan. It would not be unreasonable for the Council to reach an alternative conclusion to my own, provided that it is able to produce evidence/analysis to properly substantiate its refusal reason.
5. The Council's Committee minutes, and subsequent appeal statement give little weight to the detailed evidence provided by the applicant, nor the possibility of

suitably worded conditions being used to enhance the quality of the development and enable the development to proceed by mitigating the adverse effects.

6. Whilst issues pertaining to character and appearance are subjective, in cases such as this where the proposal seeks only a change of use of land, it is commonplace for details to be secured via condition. Moreover, the Council has consistently asserted that the proposal would be detrimental to the natural environment and environmental qualities of the surrounding area irrespective of the professional opinions of numerous statutory consultees and the imposition of a range of planning conditions to secure appropriate mitigation measures.
7. For the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense at appeal stage, as described in the PPG, has been demonstrated and a full award of costs is justified.

Costs Order

8. 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 King's Lynn and West Norfolk Borough Council shall pay to Forestscape Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to King's Lynn and West Norfolk Borough 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.

K Allen

INSPECTOR