



Costs Decision

Site visit made on 10 June 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 October 2025

Costs application in relation to Appeal Ref: APP/Y2620/W/25/3358956

Ambrose House, Mill Road, Banningham, Norfolk NR11 7DT

- 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 Matthew Ambrose for a full award of costs against North Norfolk District Council.
 - The appeal was against the refusal to grant planning permission for proposed affordable self / custom build dwelling.
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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. In this instance, the applicant's application for an award of costs is made on both procedural and substantive grounds. It is clear from the date of the application's initial submission that it took some time for the application to be determined. Although not entirely clear, it seems to me, in part at least, that uncertainty arose around the time of Natural England's advice and guidance¹ regarding nutrient pollution and the implications arising therefrom.
4. Nevertheless, formal extensions of time appear to have been agreed between the main parties up to March 2024, almost two years after its submission, suggesting at least a degree of co-operation between the parties. During this period, a further application was submitted² relating to matters also pertinent to the appeal scheme. Whilst the application took a considerable while to reach determination, I am satisfied that the parties took some, but perhaps not all, of the options available to them to reach a timely conclusion on the matter. Nevertheless, I am not persuaded that this amounts to unreasonable behaviour on behalf of the Council, nor have I been made aware of undue delay or obstruction by the Council during the appeal process.
5. With regard to the procedure under which the appeal progresses, an appellant is entitled to express a preference for a particular type of procedure. With that choice comes particular requirements in terms of the nature, type and timing of appeal submissions. Having requested that the matter be determined by way of a Hearing, I do not criticise the appellant's submission of a draft Statement of Common Ground (SoCG). Nor, given the Council's request that the matter be dealt with by

¹ 16 March 2022

² LPA Ref No: CL/24/0121

the Written Representations (WR) procedure and subsequent confirmation as such, do I find particular fault with the nature of the Council's approach, and response, to it. Even if an appeal then proceeds on the WR procedure, an agreed SoCG can be useful for all parties, but the absence of an agreed SoCG due to one or other of the main parties does not amount to unreasonable behaviour.

6. With regard to substantive matters, I am satisfied that the Council adequately set out their justified reasoning within the officer committee report. Clearly, the appellant disagrees with the conclusions reached by the Council, but it does not follow that the substance of the Council's case was not adequately made, or that unreasonable behaviour has occurred. It is also the case that the Council both acknowledged and considered its current 5-year housing land supply position, the proposal as a self-build scheme and whether or not the appeal site constituted previously developed land as part of its assessment of the appeal scheme. The site is discussed in the context of its surroundings, the buildings around it and its relationship to Banningham and other local villages and town as defined by the North Norfolk Core Strategy. Nor is it clear where the Council describe the site or development as being isolated.
7. There does appear to have been some confusion regarding the submission, and status, of documents relating to tree and ecology matters and I can sympathise with the appellant's subsequent frustration in these regards. I am not persuaded however that, even if I were to conclude that the Council had acted unreasonably in its handling of these documents and subject areas, that unnecessary expense has been incurred by the appellant. The appeal proceeds on other grounds in any event and, with regard to these particular matters referred to above, the appellant relies at appeal upon the information and evidence that is stated as having already been previously submitted.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Robbie

INSPECTOR