



Costs Decision

Site visit made on 21 October 2025

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Costs application in relation to Appeal Ref: APP/V2635/C/23/3326732 Land at Terns, 49 Peddars Way, Holme next the Sea, Norfolk, PE36 6LD

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Gordon Howitt for a full award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against an enforcement notice ("the Notice") alleging, without planning permission, the erection of a single storey extension to the rear of the existing garage.
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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. The appellant's case is that he was advised the development would be 'permitted development'¹, submitted a Lawful Development Certificate (LDC) which was not granted, and made a retrospective planning application (as a variation to a larger development) which was recommended for approval by officers but refused by the planning committee. He has issue with the manner in which the planning committee made their decision and with the prompt issue of an enforcement notice, and seeks the costs associated with making the planning application and the appeal against the Notice.
4. The appeal relates to the Notice, not the planning application, and matters of procedure related to the planning application are therefore not before me. It is undisputed that the development was not 'permitted development' and I have seen no evidence that the Council failed to adhere to the appeal procedures.
5. The remaining issue is therefore whether the Council failed to give adequate reasons for issuing the Notice. Although in my appeal decision I concluded that planning permission could be granted, I did not find that no harm arose from the development. Rather that the loss of light to rooms in the neighbouring dwelling did not harm the living conditions of occupiers considering the dwelling as a whole.
6. It was not unreasonable for the Council to have considered otherwise, and the Council referenced the former BRE guidance² as a benchmark for the assessment

¹ Under the Town and Country Planning (General Permitted Development) (England) Order 2015

² Site layout planning for daylight and sunlight – a guide to good practice 2nd edition, published by the BRE Trust in 2011

of effects. Local Plan Policy DM15³ stated that development that had a significant adverse impact would be refused. But Neighbourhood Plan Policy HNTS 11 appears to apply a lower threshold, that development should not be detrimental to the amenity of neighbours.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Peter White

INSPECTOR

³ In force at the time the Notice was issued