



Costs Decision

Site visit made on 23 September 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Costs application in relation to Appeal Ref: APP/U2615/W/25/3366847 Burghwell House, Market Road, Burgh Castle, Great Yarmouth NR31 9EN

- 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 Tredwell Developments Limited for a full award of costs against Great Yarmouth Borough Council.
 - The appeal was against the refusal of planning permission for an upward extension to existing detached 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. This application relies on the case that the Council acted unreasonably: procedurally by failing to determine the application within the statutory determination period and failing to engage proactively with the applicant during the application process; and substantively by citing speculative and unevidenced concerns without seeking clarification, misapplying the GPDO limitations and not having regard to site specific circumstances.
4. This case relates largely to the behaviour of the Council during consideration of the planning application, rather than during the appeal process. The PPG makes it clear that costs cannot be claimed for the period during the determination of the planning application, but that all parties are expected to behave reasonably throughout the planning process. However, actions at the time of the planning application can be considered in my decision of whether costs should be awarded for unnecessary or wasted expense during the appeal process.
5. The Council issued its decision within 56 days of the date of the application, given that the first day is the day after the application is submitted. In any case, as set out in my appeal decision, this did not affect the outcome of the appeal.
6. Whilst I appreciate that a lack of communication during the application process may have caused frustration, there is no substantive evidence before me to demonstrate that the Council's officer failed to engage sufficiently with the applicant. The circumstances therefore fall considerably short of demonstrating that the Council acted unreasonably in this regard.

7. The applicant submitted insufficient evidence to demonstrate that the proposal would be compliant with the internal floor to ceiling height limitations set by the GPDO. Furthermore, the GPDO is clear in setting out its limitations and it is the applicant's responsibility to compile and submit relevant evidence in support of their application. The onus is not on the Council to undertake such duties for them or to provide evidence to the contrary.
8. By its very nature, the GPDO is very prescriptive in its limitations and in many cases does not afford the decision maker with any discretion to take account of site-specific circumstances or apply planning balance. As set out in my main decision, I agree with the Council regarding their conclusions on the proposed insertion of windows on the side elevations of the property and deliberations in respect of the principal elevation.
9. For these reasons, I am satisfied that the Council acted reasonably in refusing the application.
10. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

L Fern

INSPECTOR