



Costs Decision

Site visit made on 12 August 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Costs application in relation to Appeal Ref: APP/F2605/W/25/3365614

Land on eastern side of Bridge Road, Guist, Norwich

Grid Ref Easting: 599684, Grid Ref Northing: 325199

- 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 Ms Jolanda Stenton for a full award of costs against Breckland Council.
 - The appeal was against the refusal of planning permission for a single two-storey dwelling with parking and means of access.
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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 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. It also sets out that a local planning authority is at risk of an award of costs for preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and not determining similar cases in a consistent manner.
4. The applicant asserts that the Council did not take into account pre-application advice for a similar scheme on the appeal site¹. As stated in their pre-application response, any advice given is without prejudice to a future planning application and does not guarantee the final decision of a planning application. Furthermore, the pre-application scheme was for a pair of semi-detached dwellings. The pre-application advice and subsequent planning application² both concluded that a pair of semi-detached dwellings would 'round-off' the existing linear group of semi-detached dwellings adjacent to the appeal site. It is noted that that planning application was determined after the planning application for the appeal scheme was determined.
5. The appeal scheme is for a single detached dwelling, which is materially different to the pre-application scheme for a pair of semi-detached dwellings. As such, the assessment given in the pre-application advice would not necessarily apply to the

¹ Pre-application ref. 3PE/2023/0149/PEA

² Planning application ref. 3PL/2023/1118/F

- appeal proposal. In their officer's report, the Council explained how a detached dwelling would not in their view constitute the rounding off of a cluster of dwellings. Given the differences between the schemes, the Council has not been inconsistent in concluding that the appeal proposal would not be acceptable in principle after assessment of the scheme against the policies of the development plan.
6. In their statement of case, the appellant asserts that the X29 bus service runs up to every 15 minutes during the daytime on Mondays to Saturdays and up to every 30 minutes on Sundays and Bank Holidays. However, the submitted bus timetable shows that the X29 service runs approximately hourly on Mondays to Saturdays and every two hours on Sundays and Bank Holidays. The Council's conclusion that the bus service is limited is therefore based on objective analysis.
 7. It is unclear why the Council did not assess the transport links in their pre-application advice or their assessment of planning application for the pair of semi-detached dwellings. When a Council cannot demonstrate a five-year housing land supply, the presumption of sustainable development set out in paragraph 11 of the National Planning Policy Framework applies in all cases and not just when the principle of development is found to be unacceptable. Nevertheless, even if the Council had found the transport links to be acceptable in the appeal scheme, I am not convinced that this would have altered the harm the Council identified through the principle of development and to character and appearance.
 8. Other housing developments have been granted planning permission on the western side of Bridge Road. The officer reports for the developments for six³ and four⁴ bungalows both state that the X29 bus service was a half-hourly service, which does not reflect the current, less frequent timetable. For the development of eight⁵ bungalows, there was an extant planning permission for ten bungalows on the site. For these reasons, these developments are not directly comparable to the appeal scheme.
 9. Both the appeal scheme and the planning application for the pair of semi-detached dwellings were refused on the grounds of the impact of each scheme on protected sites. Even if the principle of development and character and appearance of the appeal scheme were considered to be acceptable, this final reason for refusal would remain.
 10. It seems to me that in this case there was a fundamental disagreement between the parties over the merits of the scheme. The decision to refuse the scheme was not unreasonable.
 11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Ellis

INSPECTOR

³ Planning application ref. 3PL/2017/1500/O

⁴ Planning application ref. 3PL/2018/0518/F

⁵ Planning application ref. 3PL/2017/0760/F