



Costs Decision

Site visit made on 2 December 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Costs application in relation to Appeal Ref: APP/F2605/W/25/3373253

Mere Farm, Stow Bedon Road, Stow Bedon NR17 1ET

- 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 P Dunning for a full award of costs against Breckland Council.
 - The appeal was against the refusal of planning permission for the erection of new dwelling and garage (plot 6).
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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. Unreasonable behaviour on the part of a Council may include failure to produce evidence to substantiate each reason for refusal, making vague, generalised or inaccurate assertions about a proposal's impact or preventing development which should clearly be permitted having regard to the development plan, national policy and any other material considerations.
4. The costs application is made on the basis that the Council acted unreasonably in refusing planning permission. The applicant contends that the Council (1) misinterpreted Policy HOU 05 of the Breckland Local Plan (2023) (LP), selectively relied on a previous appeal decision¹ and failed to consider the proposal on its own merits, (2) failed to properly apply paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) including making vague considerations regarding sustainability, and (3) misinterpreted the definition of major development and disregarding relevant case law², which was also inconsistent with its previous decisions.
5. The applicant additionally suggests that costs have been incurred by consultants in preparing the appeal documents.
6. In relation to (1), while there is disagreement between the main parties on the interpretation of Policy HOU 05 of the LP, the Council's reasoning was clearly set out. Although I did not agree with its emphasis on its view that completion of the

¹ Appeal ref: APP/F2605/W/24/3348723

² R (City of Westminster) v First Secretary of State and Brandlford Ltd [2003] EWHC 1017 (Admin)

group has already occurred, for the reasons given in my main decision, I consider the overall interpretation of the policy and its associated sub-text, in relation to the appeal site to be reasonable.

7. In relation to (2), given my findings in relation to (1) it was not unreasonable for the Council to raise concerns about sustainability. The officer report acknowledged the lack of five-year housing supply and makes sufficient reference to the requirements of 11 d) ii. of the Framework. How the Council weighed these factors is entirely a matter of planning judgement. Consequently, I do not consider this to amount to unreasonable behaviour.
8. In relation to (3), although I do not agree with the Council's fourth reason for refusal, its interpretation of major development in the context of the LP and the Framework was not unreasonable, and its judgement in this regard is not considered unreasonable having regard to case law. While it is unclear why the Council did not raise this matter previously in relation to Plot 5, a contrary view would not have avoided the need for the appeal.

Conclusion

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated by the applicant. Consequently, the application for an award of costs is refused.

H Marriott

INSPECTOR