



Costs Decision

Site visit made on 3 December 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Costs application in relation to Appeal Ref: APP/U2615/W/25/3373500

26 The Green, Martham, Norfolk NR29 4PA

- 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 Dowe for an award of costs against Great Yarmouth Borough Council.
 - The appeal was against the refusal of an application for planning permission for change of use of former butchers shop into residential use as part of the existing dwelling at 24 The Green. Removal and infilling of the existing shopfront door.
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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 Applicant alleges unreasonable behaviour on the basis that the Council has sought to rely on vague, generalised and inaccurate assertions in refusing to grant planning permission and that they did not adopt a positive and proactive approach to determining the proposal.
4. In the first instance the Council did not cite Policy HOU05 in their decision notice.
5. The first reason for refusal relates to use. In reaching their view the Council had regard to the development plan and found conflict. It will be seen from my decision that I concluded the same. In respect of the Council's assessment of the existing premises as a butcher, I concur that in the absence of clear evidence of abandonment, or the grant of an alternative lawful consent, the most recently approved use of the site remains the lawful existing use. Accordingly, I do not find that the Council were unreasonable to reach their conclusion as the proposal did result in conflict with the adopted development plan.
6. During the consideration of the application the Council accepted the submission of marketing information. Irrespective of whether or not the marketing information was published on the Council's website, the evidence indicates that in making their decision the Council did have due regard to the marketing information supplied, albeit they gave it very limited weight. Whilst this is a point of disagreement, the weight to be ascribed to material considerations is ultimately a matter of planning judgement and does not amount to unreasonable behaviour.

7. Notwithstanding the absence of a Conservation Area Appraisal or Management Plan the Council, as decision maker, had a statutory duty under 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
8. The assessment of uses within the local centre is just one of many factors which contribute to its significance. The absence of an objection from the Council's Conservation Officer is noted. However, they are a non-statutory consultee, and officers were entitled to not accept the advice and to reach different conclusion. The contribution the appeal property makes to the conservation area, the harm to it and the weighing of benefits arising from the proposal are matters of planning judgement. In doing so, the Authority adequately set out in its report, at the application stage, the reasons why it considered the proposal to cause harm and thus conflicted with the development plan. Furthermore, within the appeal statement the Authority made sufficient efforts to substantiate the reason for refusal against the development plan.
9. Whilst I appreciate that I have found the proposal acceptable and the appeal has been allowed, the Council were not unreasonable in coming to their decision and sound planning reasons were given for the refusal of the planning application against the relevant policies within the development plan. I thus do not consider that the reasons for refusal were unsubstantiated.
10. The evidence indicates that the Council did engage in discussion during the processing of the application. Indeed, they accepted the submission of additional information. Whilst delays in communication may have been frustrating for the Applicant, I do not concur that the Council failed to work proactively having regard to paragraph 39 of the National Planning Policy Framework.
11. In this case I do not agree with the Council's conclusions. However, I am satisfied that they were able to support its reasons for refusal. Consequently, I cannot agree that the Council has acted unreasonably in this case and do not consider that the applicant incurred unnecessary or wasted expense at appeal.

Conclusion

12. Given my findings above, I consider that the applicant's time and expense in defending the appeal were a necessary part of the process. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. Therefore, the application for an award of costs is refused.

R Gee

INSPECTOR