



Costs Decision

Site visit made on 21 January 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Costs application in relation to Appeal Ref: APP/V2635/W/25/3372005

Holme Oak, Stoke Road, Wereham, Norfolk PE33 9AT

- 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 G Gott for an award of costs against King's Lynn and West Norfolk Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for residential development involving the demolition of existing barn complex.
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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 contends that they have incurred unnecessary costs in submitting the appeal, as the Council's reasons for refusal are unsubstantiated, and lack legitimate reasoning. Specifically, it is argued that the Council did not attribute sufficient weight to the applicant's fallback position.
4. In *Gambone v SSCLG*¹ a two-stage approach to fallback was set out. Firstly, a decision maker must determine whether the fallback position is a material consideration. If so, then as a second step, they must decide what weight to attach to it.
5. Regarding the first step; I see nothing to suggest that the Council failed to recognise the appellants fallback position, provided by an approval under Class Q of the General Permitted Development Order (2015), as a greater than theoretical possibility. The committee report recommended the planning application be approved despite a clear conflict with policy, because of the aforementioned fallback position. Indeed, the concept of fallback is explained in some detail, including a summary of pertinent caselaw. The applicant's specific fallback position is also set out, and the minutes show that the committee explored its implications.
6. Regarding the second step; the Council concluded that the conflict with policy was not outweighed by the fallback position. The minutes and reason for refusal are

¹ [2014] EWHC 952 (Admin)

explicit in that respect. That is a decision the Council was entitled to come to. Indeed, I have come to the same conclusion in determining the appeal. I see little to suggest that this decision was without reason; the weight attributable to the spatial strategy policies alone may be considered sufficient to outweigh the fallback. In addition, the Council felt that approvals under Class Q were not evidently likely to be implemented; I have reached a similar conclusion myself.

7. An award of costs is not justified.

A Knight

INSPECTOR