

## Costs Decision

Site visit made on 6 September 2016

**by Christa Masters MA (hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 September 2016**

---

### **Costs application in relation to Appeal Ref: APP/W3520/W/16/3151816 Green Farm, Crowfield Road, Stonham Aspal, Suffolk IP14 6AW**

- 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 & Mrs R Kurz for a FULL award of costs against Mid Suffolk District Council.
  - The appeal was against the refusal of failure of the Council to grant planning permission for demolition of various outbuildings and lean-to structures. Conversion of redundant barn to dwelling with single storey extensions comprising single storey wing to west and 2 bay cartlodge. Installation of package sewerage treatment plant, domestic oil tank, air source heat pump and associated landscaping to provide residential amenity at Green Farm, Crowfield Road, Stonham Aspal
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and directly caused another party to incur unnecessary or wasted expense in the appeal process.
  3. The appellant's application for an award of costs refers to typing errors on the decision notice. However, dissatisfaction with the Council's decision notice should appropriately be made in the first instance through the authority's own complaints procedure.
  4. I also note the appellant has stated that the Council did not act in a positive and proactive manner following the pre application consultation. The Council disagrees with this statement. It would appear to me that the Council held a meeting with the appellant on 6 October 2015, noted as a pre application enquiry on the application form. Whilst I note that no written feedback was provided after the meeting, the Council maintain that written advice was provided prior to this when general comments concerning the overall policy context were made. On balance, I am therefore unable to agree that the Council behaved unreasonably in this regard and directly caused the appellant to incur unnecessary or wasted expense in the appeal process.
  5. The appellant also contends that the Council acted unreasonably by preventing a development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. I have addressed this issue as part of my decision notice and
-

have reached a different view. I am therefore unable to agree that the Council behaved unreasonably in this regard.

6. The appellants have also stated that the proposal may now be liable for a payment under the Community Infrastructure Levy. The Council are silent on this matter. I have no detailed information regarding this or the charging schedule in place. Given that I am dismissing the appeal, I have not considered this matter any further.
7. In conclusion, I do not consider the Council has behaved unreasonably and I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated.

*Christa Masters*

INSPECTOR