
Costs Decision

Site visit made on 30 August 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 29 September 2016

Costs application in relation to Appeal Ref: APP/W3520/W/16/3148952 Honeypot Farm Caravan Park, Bury Road, Wortham, Suffolk IP22 1PW

- 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 C Feeney for a full award of costs against Mid Suffolk District Council.
 - The appeal was against the grant subject to conditions of planning permission for the use of the land for the stationing of up to 23 holiday lodges and 1 lodge for a site manager
-

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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The PPG states that local planning authorities are at risk of an award of costs where they behave unreasonably by preventing or delaying a development which should clearly be permitted having regard to its accordance with the development plan. Furthermore, it states an example of unreasonable behaviour includes vague, generalised or inaccurate assertions about a proposal's impact which, are unsupported by any objective analysis.
 4. The application for costs is made on the grounds that the Council acted unreasonably in delaying a development which should have been permitted having had regard to the development plan and that the Council's reasons for refusal are vague and imprecise.
 5. The Council's statement of case is clear in that it considered the proposed planning condition would not be enforceable. Should this be the case and the condition varied, the Council's statement makes clear that the Council considered the holiday lodges could be occupied as permanent dwellings. The occupation of the lodges as a person's main residence or permanent residential accommodation would be in direct conflict with the Policies referred to in the Council's reasons for refusal. Thus, I find the Council's reasons for refusal are clear in that the Council considered, due to the proposed condition being unenforceable the development would not represent sustainable development.
-

6. Furthermore, the reasons for refusal refer to active tourism and turnover of regular tourists/visitors. The Council has provided evidence drawn from the Visit Suffolk – Market Segmentation Report, to support their concerns with regard to tourist turnover and the associated economic impacts.
7. Thus, I find the Council's reasons for refusal were not vague or imprecise. Moreover, whilst, I have found the proposed planning condition to be enforceable, the Council were entitled to reach their own planning judgement and the reasons for reaching this judgement are clearly set out in the Council's statement of case with quotations from those the spoke at the relevant committee meeting.
8. I also note the appellants comments with regard to the *Good Practice Guide on Planning for Tourism*. However as this guidance has been cancelled, it was not necessary for the Council to consider it in detail. Furthermore, even though the Council made its decision contrary to officer recommendation, Councillors are entitled to reach their own view.
9. For these reasons, I consider that the Council has acted reasonably in the handing of this planning application and therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR