
Costs Decision

Site visit made on 13 September, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 20th October, 2016

Costs application in relation to Appeal Ref: APP/W3520/W/16/3151662 Land at Little Haugh Hall, Stanton Street, Norton, Suffolk, IP31 3LJ

- 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 Stephen Partridge-Hicks for a full award of costs against Mid Suffolk District Council.
 - The appeal was against the refusal of planning permission for erection of 2 detached cottages.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 submits that the Council has acted unreasonably in preventing development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations; in refusing the appeal application on the basis of development plan policies which are out of date and no longer apply; and that the Council have not determined similar cases in a consistent manner.
 4. The Council does not contest the fact that it cannot demonstrate a five year deliverable housing land supply, and in its consideration of the case accepted that policies of the Core Strategy should not be considered up to date. In those circumstances the Framework requires that the proposal should be assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate that development should be restricted. An exercise of judgement is therefore required.
 5. The Council in its officer's report acknowledged that in this case the Framework required that the development be considered sustainable, and assessed it accordingly against the policies in the Framework. In its appeal statement it considered the three dimensions of sustainability, social, economic and environmental, and set out the balancing exercise required by the Framework to establish whether the adverse impacts outweigh the benefits. Although it will be seen from my decision that I do not agree with the Council on its conclusion on the environmental harm created by the effect of the proposal on the character and appearance of the area, I consider that it assessed the
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proposal having regard to national policy and other material considerations as well as against the development plan, and carried out the necessary balancing exercise.

6. Even where paragraphs 49 and 14 of the Framework apply and the policies of the local plan relating to the supply of housing should not be considered up to date, the development plan remains the starting point for determining planning permissions and cannot simply be judged to carry no weight or be disregarded as a result. The Council did not therefore act unreasonably in considering the appeal proposal against development plan policies provided they were given due weight in relation to the need to deliver sustainable development, which I consider was the case.
7. Reference is made by the applicant to a recent grant of planning permission for development of a house and garage/office building on a site close to the appeal site, and also outside the settlement boundary. However, no information has been put before me to explain how, beyond its location, this proposal is sufficiently similar to the appeal proposal to justify the applicant's contention that it demonstrated inconsistency on behalf of the Council. It does not therefore cause me to alter my conclusion on the issue of costs.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

S J Buckingham

INSPECTOR