



Department for
Communities and
Local Government

Mr Richard Brown
Director
Richard Brown Planning Ltd
18 Redwood
Burnham
Buckinghamshire
SL1 8JN

Our Ref: APP/J3530/W/15/3138710

31 August 2017

Dear Sir,

**LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY CHRISTCHURCH LAND & ESTATES (FELIXSTOWE) LTD
AT CANDLET ROAD, FELIXSTOWE, SUFFOLK, IP11 9RD
APPLICATION REF: DC/15/1128/OUT**

APPLICATION FOR A PARTIAL AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying you of his decision on the above named appeal.
2. This letter deals with Christchurch Land & Estates (Felixstowe) Ltd's application for a partial award of costs against Suffolk Coastal District Council. The application as submitted and the response of the Council are recorded in the Inspector's Costs Report (CR), a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's Costs Report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs CR6-13. The Inspector recommended that a partial award of costs is justified on the basis that the requirement figure (of 7,900) used by the Council should not have been used, and the changes to the supply side as advanced in the August update made the exercise unreliable. He considered that

Department for Communities and Local Government
Maria Stasiak, Decision Officer
Planning Casework
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 44 41624
Email: PCC@communities.gsi.gov.uk

it was unreasonable for the Council to pursue these arguments at the Inquiry and that it resulted in unnecessary expense for the appellant.

5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in his report and accepts his recommendation. Accordingly, he has decided that a partial award of costs, as specified by the Inspector at paragraph 13, is warranted on grounds of unreasonable behaviour on the part of Suffolk Coastal District Council.
6. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that the Council shall pay to the developer its partial costs of the inquiry proceedings, limited solely to the unnecessary or wasted expense incurred in respect of the issue of housing land supply, such costs to be taxed in default of agreement as to the amount thereof.
7. You are invited to submit to Council details of those costs, with a view to reaching agreement on the amount. Guidance on how the amount is to be settled where the parties cannot agree on a sum is at paragraph 44 of the Planning Practice Guidance on appeals, at <http://tinyurl.com/ja46o7n>

Right to challenge the decision

8. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the costs decision.
9. A copy of this letter has been sent to Suffolk Coastal District Council.

Yours faithfully,

Maria Stasiak

Authorised by the Secretary of State to sign in that behalf