The Planning Inspectorate

Costs Decision

Site visit made on 20 November 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 07 December 2017

Costs application in relation to Appeal Ref: APP/J3530/W/17/3179341
Holly Tree Barns, Holly Tree Farm, Bell Green, Cratfield, Suffolk IP19 0DN

- 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 Richard Boddy for a full award of costs against Suffolk Coastal District Council.
- The appeal was against the grant subject to conditions of planning permission for conversion of barns to 3 No holiday units.

Reasons

1. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
2. The appellant alleges that the Council has acted unreasonably by not providing any detailed grounds for refusal on its decision notice. Consequently, it is alleged it is unclear why the application has been refused, necessitating the employment of a planning consultant to prepare the appeal.
3. However, the Council's decision notice refers to 'the report' and the Officer's report was available to the appellant setting out clearly why the application was refused together with reference to the relevant development plan policies prior to the submission of the appeal.
4. Whilst, I find it was unreasonable for the Council not to give precise reasons for refusal, any unreasonable behaviour must also lead to unnecessary or wasted expense. It was clear from the Officer's report why the application was refused this could be easily accessed and as such the appellant has not been unduly disadvantaged. I find the appeal was inevitable and the appellant chose to employ a planning consultant.
5. That said, for the reasons given, unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR