



Costs Decision

Site visit made on 15 November 2017

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 14th December 2017

Costs application in relation to Appeal Ref: APP/E3525/Y/17/3179501 Plot 3, Dover Farm, Stow Road, Ixworth, Suffolk, IP31 23W.

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Terry Lucas for a full award of costs against St Edmundsbury Borough Council.
 - The appeal was against the refusal of listed building consent for the retention of internal and external alterations to Plot 3 of SE/11/1072/LB.
-

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. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. It could be argued that the Council, by failing to engage with the appellant in spite of repeated requests, and because of the considerable amount of time taken to determine the application, behaved unreasonably. However for a successful award of costs it also needs to be demonstrated that the unreasonable behaviour led to unnecessary or wasted expense being incurred in the appeal process. In my view, taking account of all the material submitted and on the balance of probabilities, the Council would have maintained its opposition to the works to the plinth and the appeal would not have been avoided. Consequently there are no procedural grounds for an award of costs.
4. There was a single refusal reason. This related to the lack of an assessment detailing the significance of the plinth and to less than substantial harm to the significance of the heritage asset that had been caused by the removal of the plinth. The Council produced evidence to justify this refusal reason and substantiated this by reference to national policy relating to heritage assets and the development plan. Although it is evident from my appeal decision that I consider the public benefits outweigh the less than substantial harm there was a reasonable basis for the Council's position. Consequently the Council did not act unreasonably with regard to the planning merits of the case.

Conclusion

5. In view of these findings, I conclude that there are no grounds for an award of costs in terms of the *Planning Practice Guidance*.

Christopher Anstey

Inspector