

---

## Costs Decision

Site visit made on 26 June 2019

**by R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 16 August 2019**

---

### **Costs application in relation to Appeal Ref: APP/J3530/W/19/3226122 Woodlands, Woodbridge Road, Debach IP13 6BY**

- 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 & Mrs Austen Wiles for a full award of costs against Suffolk Coastal District Council.
  - The appeal was against the refusal of planning permission for change of use from cartlodge and residential annex to separate and self-contained dwelling.
- 

### **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. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant states that the appeal was unnecessary as the proposal complies with the development plan and there were other material considerations that the Council failed to take account of when reaching its decision.
5. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of Suffolk Coastal District Local Plan Core Strategy & Development Plan Management Policies Development Plan Document July 2013 that the proposal would be in conflict with in the view of the Council.
6. While the Council did not refer to the Bluntswood<sup>1</sup> appeal decision in the planning officer's report, it made reference to the decision in their Statement of Case. Since each proposal must be determined on its individual merits, the Council has not behaved unreasonably in this respect. The Council also referred to the National Planning Policy Framework in the reasons for refusal. While there is little further discussion of the Framework in the planning officer's report, the Council has not behaved unreasonably in this regard.

---

<sup>1</sup> Appeal ref: APP/J3530/W/18/3197489

7. Since the change of use would affect the way the site is used and would be likely to introduce permanent occupation of the existing outbuilding, the Council had reasonable concerns in terms of the effect of the proposed development on the character and appearance of the area.
8. Accordingly, I do not consider that the Council failed to reasonably evaluate the application. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. In this case, the appellant addressed those concerns and the evidence of third parties, and given the evidence before me, I came to a different conclusion to that of the Council.
9. However, for the reasons given above, the Council did not behave unreasonably resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

*R Sabu*

INSPECTOR