



Costs Decision

Site visit made on 4 February 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2020

Costs application in relation to Appeal Ref: APP/X3540/W/19/3239266 Concrete Barn, Beacon Hill Farm, Bealings Road, Martlesham, Woodbridge IP12 4RP

- 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 Abbott for a full award of costs against East Suffolk Council.
 - The appeal was against the refusal of planning permission for the conversion of agricultural storage barn to private residential use, comprising 2no. 3 bedrooomed dwellings, including partial demolition, and insertion of first floor, together with associated works. Alternative scheme to that approved under DC_19_0785_PN3.
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Decision

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

Reasons

2. National Planning Practice Guidance (the Guidance) advises that costs may only 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 appeals process. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, the Guidance states that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicants argue that the Council introduced new evidence in its written statement which it claims renders a prior approval application¹ at the site invalid. This relates specifically to the area of curtilage proposed as part of the conversion of the appeal building. The applicants are aggrieved that the Council chose to highlight this matter through the appeal process rather than contacting the applicants or their agent, which in turn would have afforded them the opportunity to consider withdrawing the appeal to deal with the matter raised through the submission of a further prior approval application. This is considered to represent unreasonable behaviour.
4. While I accept that the Council did raise this matter during the appeal process, it was not one that it specifically relied upon in defence of its decision to refuse planning permission. The Council sought to highlight that the prior approval may not be valid for the reasons set out in its written statement, which is not for me to consider as part of the appeal as other mechanisms exist to resolve such matters. Furthermore, this particular issue raised by the Council after the

¹ Application DC/19/0785/PN3

applicants chose to appeal the Council's decision. It was not a matter that was fundamental to the appeal and it did not influence my decision.

5. Therefore, I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and an award of costs is not justified.

Graham Wyatt

INSPECTOR