The Planning Inspectorate

Costs Decision

Site visit made on 26 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12th February 2021

Costs application in relation to Appeal Ref: APP/D3505/D/20/3259887
104 Bures Road, Great Cornard CO10 0JE

- 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 Hart for a full award of costs against Babergh District Council.
- The appeal was against the refusal of planning permission for first floor side extension to property over existing garage (providing additional 1no. bathroom and 1no. bathroom/ensuite) and replacement of double garage doors with single garage door and side door.

Decision

1. The application for an award of costs is partially allowed, in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

3. It adds that examples of unreasonable behaviour by local planning authorities include:

   - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and

   - vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.

4. The first reason for refusal relates to the effect of the proposal on the non-designated heritage asset. I note the evidence regarding physical site visits, discussions with neighbours and I do not doubt the competency of the design professionals involved in the project. I also acknowledge the evidence regarding the Applicant's design process and the sketches provided by the Council.

5. However, the Council has provided adequate analysis to substantiate their findings with regard to the planning merits of the proposal in terms of design and has not behaved unreasonably in this particular regard.

6. The Council stated that the proposal would not alter the existing parking arrangements. The submitted drawings are not clear with regard to the number of existing bedrooms. However, the Council has not made an assessment of the number of existing parking spaces in order to make an analysis of the effect of the proposal on the parking provision. From the evidence before me, the site provides three parking spaces which meets the required parking standard regardless of the number of bedrooms proposed. Therefore, it is not clear why this matter formed a reason for refusal and the Council has behaved unreasonably in this particular regard. Furthermore, the applicant would have incurred unnecessary expense in the appeal process in defending this issue.

Conclusion

7. For the reasons outlined above, I conclude that the Council has acted unreasonably, and that the applicant has incurred unnecessary and wasted expense in contesting the second part of the Council's reason for refusal. Therefore, a partial award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Babergh District Council shall pay to Mr & Mrs Hart the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in contesting the Council's second reason for refusal which relates to parking provision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

9. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Sabu

INSPECTOR