The Planning Inspectorate

Costs Decision

Site visit made on 25 September 2020

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Costs application in relation to Appeal Ref: APP/X3540/W/20/3247022
6 Ipswich Road, Newbourne, Suffolk, IP12 4NS

- 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 D Jones for a full award of costs against East Suffolk Council.
- The appeal was against the refusal of the Council to grant planning permission for the use of land for two holiday lodges without complying with conditions subject to which a previous planning permission was granted.

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. The appellant considers that the Council behaved unreasonably principally because he believes that it did not carry out an objective assessment of the application as set out in the Delegated Officer Report. The Planning Practice Guidance indicates that although costs can only be awarded in relation to unnecessary or wasted expense at appeal, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.

4. The appellant contends that the reason for refusal does not make any sense. The first part of the reason advises that the proposal is unacceptable as it is contrary to policy DM19 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013). It then goes on to say that there are three main reasons for this. The appellant reads these reasons as relating to the conflict with the policy. However, it can also be read as reasons relating to the unacceptability of the proposal. In my opinion the reason for refusal could have been worded in a less ambiguous manner, but it was not unreasonable as it did set out the position of the Council.

5. The Delegated Report was brief, with sections on "Planning Considerations" and "Conclusion" left blank. However, it stated the development plan policy to

which the proposal was considered contrary and gave three reasons why the proposal was considered to be unacceptable.

6. Local planning authorities may be liable for cost awards for not determining cases in a similar manner. The appellant has submitted copies of application and appeal decisions which he considers to be relevant. I have assessed these in my appeal decision as well as the matter of competition with other holiday parks in the village. Each case must be considered upon its individual merits and particular site circumstances, having regard to local and national planning policies at the time of the decision. I advised that the decisions in the cited cases were made on their individual merits and particular site circumstances having regard to the planning history for each site and relevant decisions regarding similar proposals. The decisions were taken prior to the recent adoption of the Suffolk Coastal Local Plan and policy SCLP6.5, which endorses the 56 day occupation restriction to ensure that new tourist accommodation can provide all year-round occupation for tourists and units are not occupied by a person or persons as their main residence. Policy SCLP6.5 applies to all relevant proposals regardless of differing scale and numbers of units. .

7. In terms of the appeal procedures, the Council provided a detailed statement to support its reason for refusal. The appellant was able to respond to that statement and to comment on relevant policies in the newly adopted Suffolk Coastal Local Plan. I consider that the Council did not act in an unreasonable manner in the appeal process and its behaviour and actions at the time of the planning application were not unreasonable enough to be given any significant weight in determining this costs decision.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin H Seddon

INSPECTOR