
Costs Decision

Site visit made on 7 September 2021

by Paul Thompson DipTRP MAUD MRTPI

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

Decision date: 10th Appeal Decision

Costs application in relation to Appeal Ref: APP/W3520/W/20/3264485 Asbach House, The Street, Framsdon, Suffolk IP14 6HG

- 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 Mrs Julia Coulthard for a full award of costs against Mid Suffolk District Council.
 - The appeal was against the refusal of planning permission for Change of use of the premises from a mixed C3/A4 use to wholly C3 residential use.
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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 application for a full award of costs is on the basis that the Council acted unreasonably on substantive grounds, relating to the merits of the application. Moreover, the applicant suggests that the Council failed to give any or proper consideration to the material considerations set out in her Planning Statement (PS). The points raised in the PS and appendices were relevant to the Council's concerns regarding, amongst other things, the future viability of the public house.
4. In my main decision, it is evident that I considered that the Council's reasons for refusal stand up to scrutiny. I am satisfied that the Council acted reasonably in refusing the appeal proposal and that it was able to substantiate its reasons for refusal. Moreover, in the planning judgement, it appears to me that, having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should have been refused permission on the grounds advanced in the Council's reasons for refusal.
5. In arriving at my decision, I suggested that future viability would not be determinative given my approach in favouring the Council's emerging policy. Nevertheless, I outlined the approaches taken by the applicant, including the professional advice she sought in respect of such matters and the works that could be required for a gastropub model. I decided that it was clear from the supporting evidence that the works to the existing building, including its expansion to provide more covers, could be cost prohibitive. What was less

clear, though, was why such a model would discourage interest from the population of the village.

6. The Council did not add to its Officer Report (OR) in its Statement of Case, and chose to rely on the former. The appeal process allows the Council to adopt such an approach. However, the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence substantiating that reasoning. Any such case must be fully justified in the face of opposing evidence. Plainly, there will be times when there is simply a difference of opinion on the matters raised.
7. Although it may ultimately not have changed the Council's decision, had it referred in more detail to attempts made by the applicant to address concerns outlined in the previous application and appeal, it may have further focussed the issues of disagreement between the parties. This constitutes unreasonable behaviour by the Council, but it did not prevent or delay development which should have been granted.
8. I turn then to the matter of unnecessary or wasted expense. In lodging the appeal, and in responding to the Council's case, the applicant had to deal with the Council's assessment of the proposal. While this is comprehensive, the applicant dealt with all of the points relevant to the appeal in a straightforward manner. It therefore appears to me that, the applicant quickly and succinctly responded to the Council's case without wasting expenditure.
9. As a result, although I find that the Council acted unreasonably, it has not caused unnecessary or wasted expense. Therefore, an award of costs is not justified.

Conclusion

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

Paul Thompson

INSPECTOR