



Costs Decision

Site visit made on 6 September 2022

by Philip Mileham BA (Hons) MA MRTPI

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

Decision date: 27th September 2022

Costs application in relation to Appeal Ref: APP/D3505/W/22/3295637 Land at Wix House, Great Green, Cockfield IP30 0QH

- 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 Luke O'Brien for a full award of costs against Babergh District Council.
 - The appeal was against the refusal of planning permission for an application for outline permission for an all matters reserved save for access (self-build dwelling).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 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 has sought the full award of costs in relation to the Council's behaviour in determining the application as described above. The appellant considers that the Council has failed to provide coherent and detailed justification in its reason for refusal of the proposed development. The lack of evidence is considered by the appellant to result in unreasonable behaviour leading to wasted expense in respect of the of costs associated with this appeal.
4. The Council has provided a copy of the Case Officer's report and a separate statement of case as part of this appeal proceedings which, when taken together, set out the reasons for the refusal of the scheme as well as providing a response to the appellant's statement. The appellant considers that the Council's refusal of permission lacks substantive justification. I have considered the appellant's points regarding the similar relationships in other schemes elsewhere in the village as part of my appeal decision.
5. The Council's Officer report does not provide a forensic examination of the pattern of development in the village. Nonetheless, it adequately identifies the Council's concerns in respect of the general pattern and grain of development in the village and it's concerns regarding the relationship between the proposed development and the adjacent properties. I consider that the Council's evidence in respect of these points is sufficiently clear. As such, there is no evidence before me to indicate the Council has acted unreasonably, moreover that there is a legitimate difference of view between the parties on this matter.

6. The Council's assessment of the character and appearance of the area could have been a clearer and included a more fully developed analysis of the pattern of development. Further elaboration of the points made in respect of the relationship between the proposed development and the adjacent properties would also have been beneficial. However, the reasons given were adequate and the Council was entitled to reach the decision it did having due regard to the Development Plan and the status of the policies within it and it set out those reasons in the report exercising planning judgement.
7. The PPG indicates that for a costs award to be made, unreasonable behaviour leading to unnecessary or wasted expense would have to be demonstrated. In light of the above, I do not consider that the Council has acted unreasonably, and despite the shortcomings of the officer's report, I do not consider that these shortcomings, had they been addressed, would have avoided the appeal being made.

Conclusion

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

Philip Mileham

INSPECTOR