
Costs Decision

Site visit made on 10 January 2023

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

**Costs application in relation to Appeal Ref: APP/D3505/W/22/3291693
Land to the rear of The White Horse, Stone Street, Hadleigh,
Suffolk IP7 6DN**

- 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 Andrew Knock for a full award of costs against Babergh District Council.
 - The appeal was against the refusal of planning permission for 'Outline - Erection of 1 no. dwelling (with access)'.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Advice over the award of planning appeal costs is set out in the Government's Planning Practice Guidance (PPG). It states the established premise that parties to an appeal normally meet their own costs. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be liable to an award of costs. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.
3. This costs application is based on the substantive ground that the Council failed to substantiate its reasons for refusal. An award made against Uttlesford District Council is cited, in an appeal¹ relating to works at London Stansted Airport. I have had regard to this.
4. The alleged failure to substantiate the refusal of planning permission was over the Council not carrying out an appropriate planning balance. This specifically related to not accounting for the scheme's benefits, the mitigation of adverse effects and the potential for conditions making the proposal acceptable. However, I am satisfied the Council's decision had accounted for the proposal's benefits but found these insufficient to outweigh the harm that would arise from allowing a dwelling in this location. I have come to the same conclusion in determining the appeal.
5. The Council had been clear at a pre-application stage² that this proposal was unlikely to gain support in principle. Given the proposal had not been

¹ Appeal Ref: APP/C1570/W/20/3256619

² Reference DC/21/04630

encouraged, it was reasonable for the Council not then to have sought further details before determining the application.

6. The PPG advises³ that where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that it should have been granted, there should generally be no grounds for an award of costs. This is applicable in this case.

Conclusion

7. I am satisfied that the Council applied a reasonable degree of balancing in reaching the decision that led to the appeal, including consideration of the National Planning Policy Framework. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons given, I conclude that the application for costs should be refused.

Jonathan Price

INSPECTOR

³ Paragraph: 050 Reference ID: 16-050-20140306 Revision date: 06 03 2014