



Costs Decision

Site visit made on 21 March 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Costs application in relation to Appeal Ref: APP/X3540/W/22/3306824 Land and verges at St Martin's Green, Trimley St Martin, Suffolk IP11 0UZ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Adam Farnsworth for a full award of costs against East Suffolk Council.
 - The appeal was against the refusal of planning permission for a proposed garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby cause the party applying for costs to incur unnecessary expense in the appeal process. The application relies on the fact the Council failed to produce evidence to substantiate their reason for refusal and that they prevented development which should have been approved.
3. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal. The reason for refusal, as set out in the decision notice, is complete, precise, specific and relevant to the application. It also clearly states the policy of the East Suffolk Council Suffolk Coastal Local Plan, adopted 2020 that the proposal would be in conflict. Further explanation and clarification is provided within the officer report and within a subsequent appeal statement.
4. The Council were not unreasonable in coming to their decision, as following consideration of the application on its merits alone, I have concurred with the Council. Therefore, I do not find that the Council delayed a decision which should have otherwise been approved and as such, the applicant's costs associated with the appeal were a necessary part of the process.

Conclusion

5. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that a full award of costs is not justified.

A Berry

INSPECTOR