



## Costs Decision

Site visit made on 26 September 2023

**by Nick Bowden BA(Hons) DIP TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2023**

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### **Costs application in relation to Appeal Ref: APP/D3505/W/23/3319696 The Dell, Newton Road, Sudbury, Suffolk CO10 2RN**

- 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 K D Marginson for an award of costs against Babergh District Council.
  - The appeal was against the refusal of planning permission for is a proposed new dwelling with associated garage & parking to rear garden.
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### **Decision**

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

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, 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 has suggested that the Council introduced new reasons for refusal in its appeal statement. This is not my reading of the Council's statement. This statement expanded upon and explained the reasons for refusal by describing certain aspects of the site and mentioned issues relating to amenity and access to highlight its views relating to the compatibility of the proposed dwelling with the surrounding area. The Council, as part of its appeal statement, did not cite any new policies or specific individual matters of concern as new points of objection beyond those already raised in the planning officers report and recommendation that formed part of the decision on the planning application. It follows that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*Nick Bowden*

INSPECTOR