



Costs Decision

Site visit made on 19 July 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Costs application in relation to Appeal Ref: APP/W3520/W/22/3302662 Land to the Rear of the Leas, Quoits Meadow, Stonham Aspal IP14 6DE

- 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 R Tydeman for a full award of costs against Mid Suffolk District Council.
 - The appeal was against the refusal of outline planning permission for erection of up to 5 no. dwellings and construction of new access, following demolition of existing dwelling.
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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 (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 application for a full award of costs has been made on substantive grounds that the decision to refuse planning permission has prevented and delayed development which should clearly be permitted and that the decision to refuse was inconsistent with the previous decision to permit the scheme.
4. The Council's officer report clearly identified being able to demonstrate a five year supply of housing land was a material change in circumstances since the previous decision was taken. As a result, the harm to the designated heritage asset was not outweighed by the public benefits of the proposed development. This was a reasonable exercise of planning judgement in accordance with the approach set out in the National Planning Policy Framework.
5. In light of the Council's decision to refuse the reserved matters application, the timing of the application and the expiry of the original outline, the decision to refuse the outline permission was consistent with their own findings in relation to the site.
6. While I did not agree with the Council's decision, their report demonstrates a reasonable exercise of planning judgement which considered the relevant policies and material considerations including the Framework and the planning history of the site. As such, a balanced approach to assessing sustainable development was taken.

Conclusion

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

J Downs

INSPECTOR