



Costs Decision

Site visit made on 19 February 2024

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

**Costs application in relation to Appeal Ref: APP/F3545/X/22/3313634
Harlequin Business Park, Mildenhall Drove, Kenny Hill, Suffolk IP28 8DS**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Tim James-Parker for a full award of costs against West Suffolk Council.
 - The appeal was against the refusal of a certificate of lawful use or development for use of Unit 1 as two separate planning units – (1) commercial Class E and (2) residential Class C3.
-

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 PPG sets out types of behaviour that may give rise to a substantive award of costs against a local planning authority (LPA). It advises that an LPA may be at risk if it prevents or delays development that should clearly be permitted. It can also be at risk if it acts contrary to well-established case law.
4. The appellant considers that the refusal of the application was illogical and unjustifiable. The LPA did not consider the evidence or explanations provided by the appellant with the application. In concluding that the development would have been in contravention of the requirements of the enforcement notice, it failed to understand the purpose of the application.
5. In dismissing the appeal, I have found in favour of the LPA, and in this case it follows that the LPA did not prevent or delay development that should clearly be permitted, and it did not act contrary to well-established case law. It is not the case that the LPA behaved unreasonably and therefore the refusal did not result in wasted expense for the appellant, as the appeal could not have been avoided.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Thomas

INSPECTOR