

Costs Decision

Site visit made on 27 February 2024

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 April 2024

Costs application in relation to Appeal Ref: APP/W3520/W/23/3314063 Land to the south of Sugghenall Farm, Church Lane, Rickinghall, Suffolk IP22 1LL

- 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 RNA Energy Limited for a full award of costs against Mid Suffolk District Council.
 - The appeal was against the refusal of planning permission on an application for a photovoltaic array, battery storage and ancillary infrastructure.
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Decision

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

Reasons

2. 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. Here, the Member's discussion of the merits of the proposal, as set out at paragraph 29.9 of the official minutes, ranged over several topics including the loss of agricultural land. Such a concern is not unusual in solar farm proposals. On this occasion, whilst the use of agricultural land was a key issue for local residents, the Committee followed the advice of their professional advisors and did not oppose the proposal on that ground.
3. When determining a planning application, Members of the Committee acting as the local planning authority (lpa) are not bound to follow the professional advice of their officers and are entitled to come to a contrary conclusion. In doing so, however, their reasons for doing so should not be vague, generalised or represent an inaccurate impact of a proposal. Whilst I did not reach the same conclusion as the Members, that was a decision they were entitled to make. The reasons for refusal are neither vague nor generalised and the Members' concern was supported with evidence to substantiate each reason. A formal site visit prior to considering the merits of the proposal is not something that a Planning Committee is required to do.
4. Accordingly, in refusing the application the local planning authority did not act unreasonably and the application for an award of costs is refused.

George Baird

Inspector