



Costs Decision

Site visit made on 20 May 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2024

Costs application in relation to Appeal Ref: APP/W3520/W/23/3325598 Land at Church Road, Stowupland IP14 4BQ

- 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 Mid Suffolk District Council
 - for a full award of costs against A Porch & Sons (Builders) Ltd.
 - The appeal was against the refusal of outline planning permission for erection of 14 dwellings (including 5 affordable homes and 4 self-builds).
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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 PPG is clear that an appellant is at risk of an award of costs being made against them if an appellant's grounds of appeal had no reasonable prospect of succeeding and gives examples where this may occur.
4. The Council contends that the appellant has pursued a hopeless appeal and has failed to take action either during the course of either the application or the appeal to address their concerns despite having ample opportunity to do so.
5. Notwithstanding, the appellant has put forward a case why he felt that the development was acceptable, both in terms of the previous development plan and in the context of the more recently adopted Babergh and Mid-Suffolk Joint Local Plan (JLP). As the JLP was adopted around ten months after the Council's decision has been issued and four months after the appeal had been lodged, it was not without merit for the appellant to put forward a case at the outset that the provisions of the development plan were out of date, albeit this changed during the course of the appeal.
6. Whilst I have disagreed with the majority of the appellant's arguments, they were nonetheless presented as considerations which could have potentially indicated a decision other than in accordance with the development plan.
7. Therefore, for these reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

KL Robbie

INSPECTOR