



Costs Decision

Site visit made on 18 November 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Costs application in relation to Appeal Ref: APP/W3520/W/24/3342190

- 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 Richard Syrett for a full award of costs against Mid Suffolk District Council.
- The appeal was against the refusal of planning permission for the erection of 1no. dwelling and cartlodge.

Land East of Walsham Road, Wattisfield, Diss IP22 1PB

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 applicant considers that the Council provided advice contrary to the reasons for refusal during the course of the application, including whether flood risk is a matter relevant for consideration within the permission in principle stage.
4. The officer indicated that they "think Policy LP01 would give support, especially for infill development facing the road as we have here". The application was subsequently refused, with the Council concluding that the proposal would conflict with Policy LP01. I acknowledge that receiving an outcome in direct contradiction to the officer's advice would be frustrating. However, the Council is not bound by an officer's indication of approval during the application process. Moreover, planning permission is not granted until the decision notice is issued.
5. The applicant states that the officer had advised that a Flood Risk Assessment was not required on the basis that such matters fell outside the scope of the considerations at the permission in principle stage. The application was subsequently refused due to surface water flooding at the site. While the officer's advice during the course of the application was contrary to the reason for refusal within the decision notice, it is not unreasonable for flood risk to fall within considerations of location and land use and therefore the remit of permission in principle.
6. In respect of both grounds of the application for an award of costs, although the officer provided contradictory advice during the planning application process, the Council went on to substantiate its reasons for refusal with

reference to relevant local plan policies and the National Planning Policy Framework in the decision notice and the Officer's Report. I drew the same conclusions on this matter in the appeal decision.

7. Therefore, while I acknowledge and appreciate the frustrations of the applicant, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Pearce

INSPECTOR