
Costs Decision

Site visit made on 10 December 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Costs application in relation to Appeal Ref: APP/D3505/D/24/3346481 Pettwood, Ipswich Road, Holbrook, Suffolk IP9 2QT

- 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 Daniel Sauter for a full award of costs against Babergh District Council.
 - The appeal was against the refusal of planning permission for the erection of ground based solar panels.
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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. On substantive grounds, the applicant contends that the Council have prevented development which should clearly have been permitted having regard to its accordance with the development plan, national policy and other material considerations. Whilst I appreciate that I have found the proposal acceptable and the appeal has been allowed, the Council have not behaved unreasonably in coming to a different decision.
4. Whilst the Council has made little reference to climate change objectives and local and national policies in relation to this, this is because they considered the proposal to result in less than substantial harm to the setting of the listed buildings at Pettwood which would not likely be outweighed by the limited environmental benefits of the proposal. As the decision maker, the Council is entitled to make a judgement on the development before them and a valid reason for refusal has been given to justify this.
5. The applicant also contends that the Council have made vague, generalised and inaccurate assertions about the proposal's impact which are unsupported by any objective analysis. However, whilst the applicant may not consider the appeal site to be garden land, the Council and their Heritage Officer have clarified that their comments were in relation to the historic garden land of Pettwood and therefore is not an inaccurate assertion per se.
6. Furthermore, although the justification is brief, the Council have sought to substantiate the planning reasons given for the refusal of the planning application

against policies within the development plan which they consider to be relevant. Therefore, whilst noting that I have come to a different conclusion within the appeal, in their findings the Council have not made any vague, generalised or inaccurate assertions that would amount to unreasonable behaviour.

7. The applicant's comments, that the Council did not undertake a site visit as part of the application, are noted. However, such a visit could have been undertaken without the applicant's knowledge and therefore there is no evidence to substantiate this claim.
8. Overall, I am not persuaded that the Council has acted unreasonably by preventing development that should have been permitted or providing vague, generalised and inaccurate assertions about the proposals impact. Therefore, whilst I note the costs incurred by the appellant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion

9. For the reasons given above and having had regard to all other matters raised, an award of costs is refused.

E Grierson

INSPECTOR