



Costs Decision

Site visit made on 8 January 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Costs application in relation to Appeal Ref: APP/X3540/W/24/3346196 Doctors Meadow Barn, Walpole Road, Bramfield, Halesworth IP19 9AB

- 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 and Mrs Cunningham for a full award of costs against East Suffolk Council.
 - The appeal was against the refusal of planning permission for the conversion of Doctors Meadow Barn to provide a single storey dwelling with a domestic curtilage area and landscape enhancements.
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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. To justify an application for costs, the PPG requires clear evidence demonstrating how alleged unreasonable behaviour has resulted in unnecessary expense. This could relate to the entire appeal or only part of the process.
4. The application for costs is made on substantive grounds, relating to the issues arising from the merits of the appeal. The applicants argue that the Council acted unreasonably by failing to fully consider relevant development plan policies and other material considerations. This includes the National Planning Policy Framework (the Framework) and other considerations relating to the provision of housing to meet specific needs.
5. Additionally, the applicants contend that the Council's unreasonable behaviour is evident in its departure from the conclusions of its statutory consultees and the technical evidence provided by the applicants.
6. The applicants assert that the Council's actions align with a specific example of unreasonable behaviour cited in the PPG, in relying on vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by objective analysis. Consequently, the applicants seek a full award of costs on the basis they have incurred significant costs during the appeal process.
7. As outlined in my accompanying appeal decision, I ultimately found the Council was justified in refusing planning permission. The proposal would conflict with the development plan as a whole, and there were no other considerations, including

the provisions of the Framework, to lead me to a decision other than in accordance with the plan. This approach aligns with section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8. There were significant material considerations relevant to the proposal in this case. Nevertheless, in reaching my decision, I weighed these factors in the planning balance and concluded that the harm resulting from the conflict with the development plan would outweigh the other considerations.
9. This conflict related to the first reason for refusal, concerning the site's suitability for new housing. The Council's officer report focussed on the development plan and made limited reference to other material considerations. However, the weight to be given to these considerations is a matter of planning judgement.
10. Even if I concluded that the Council failed to sufficiently consider these issues, and this amounted to unreasonable behaviour, the PPG requires evidence that this has resulted in unnecessary expense. Given my overall conclusion on the appeal, a more robust consideration of these issues would not have avoided the appeal in its entirety. As such, I am not persuaded that the Council's behaviour in relation to the first reason for refusal resulted in unnecessary expense for the applicants.
11. In my appeal decision I disagreed with the Council's second reason for refusal, concerning the effect of the development on the character and appearance of the area. The applicants note that the Council's conclusion on this issue contradicted the views of its landscape consultee. However, the consultee comments were not particularly detailed and did not explicitly conclude on the acceptability of the proposal, as well as providing limited commentary on the effects in the wider context. Since this was a subjective issue, the planning officer was entitled to conduct a thorough assessment and to give weight to the consultee's input as they saw fit.
12. Although I reached a different conclusion to the Council on this issue, its concerns set out in the officer report appear reasonable. Whilst I ultimately concluded that there would be no conflict with the development plan on this issue, this was based on planning judgement rather than objective assessment. Some of the Council's concerns, including the consistency of the submitted details, are valid concerns that I have had regard to in my appeal decision. Thus, whilst the Council arrived at a different conclusion, its assessment was conducted on a reasonable basis.
13. For these reasons, I do not find that the matters outlined in the costs application amount to unreasonable behaviour that has resulted in unnecessary or wasted expense, as set out in the PPG.

Conclusion

14. Based on the details before me, I find no evidence to demonstrate that the Council's unreasonable behaviour has resulted in unnecessary or wasted expense for the applicants during the appeal process. The application for an award of costs is therefore refused.

P Storey

INSPECTOR