



Costs Decision

Site visit made on 7 January 2025

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th of April 2025

Costs application in relation to Appeal Ref: APP/D3505/W/24/3351382

Land Adjacent 30 Collimer Close, Collimer Close, Chelmondiston

IP9 1HX

- 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 Mrs Catherine Shelbourne for a full award of costs against Babergh District Council.
 - The appeal was against the refusal of planning permission for new 3-bedroom dwelling, part single storey, part two storey.
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Decision

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

Preliminary Matter

2. The Council was given the opportunity to respond to the applicant's costs claim. I have had regard to any comments, as necessary.

Reasons

3. 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.
4. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
5. The application is made essentially on the basis that the Council has not adequately substantiated its reasons for refusal, a Senior Planning Officer did not make an adequate site visit to assess the appeal site and the introduction of new objections to the appeal scheme during the appeal process.
6. The Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence. In this case, the Officer Report and Decision Notice were clear, explained the reasons for refusal and why the proposal was unacceptable. Furthermore, the Council provided a Statement of Case at appeal stage that appropriately elaborated on its concerns and addressed the applicant's case. Consequently, the Council has provided reasons as to why it considered the appeal scheme to be contrived in design. This is a matter of planning judgement.

7. Additionally, a site visit was undertaken by a planning officer. However, a site visit is not a statutory requirement and is instead good practice. Therefore, the Senior Planning Officer was not obliged to visit the site. Consequently, regarding both of the above, the Council did not act unreasonably.
8. The Council in its statement of case introduced new objections to the appeal scheme. Planning Practice Guidance states that an example of unreasonable behaviour is prolonging the proceedings by introducing a new reason for refusal. However, the owner of 30 Collimer Close objected at the planning application stage as well as at the appeal stage in relation to living conditions. As such the applicant was aware of these issues which require no obvious technical input. Therefore, the objections regarding living conditions would have been raised irrespective of whether the Council mentioned it in their Statement of Case. Consequently, whilst the Council has acted unreasonably in raising an additional reason for refusal at appeal stage it has not resulted in wasted expense.

Conclusion

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Astley-Serougi

INSPECTOR