
Costs Decision

No site visit made

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Costs application in relation to Appeal Ref: APP/X3540/X/23/3330147 Houseboat Constancie, New Quay Lane, Woodbridge, Suffolk IP12 1BJ

- 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 Roland Mann for a full award of costs against East Suffolk Council.
 - The appeal was against the Council's failure to determine an application for a certificate of lawful use or development (LDC) for the use of garden land ancillary to the residential use of Constancie.
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Decision

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

Reasons

2. Paragraph 030 of the government's planning practice guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Council behaved unreasonably in that the appeal was necessary here due to the Council's non-determination of the application within the eight week statutory period, and also the case officer's failure to respond to his e-mails etc requesting progress on the application.
4. An award for full costs is, therefore, claimed on procedural grounds.
5. Having looked through the relevant evidence, and setting aside for the moment that no decision had been reached within the eight week period, it is regretful that the Council failed to update the appellant during the application stage, despite requests to this end. However, I am mindful of the pressures, generally, facing Council officials, currently, due to staff shortages, demands on their time, and often heavy casework loads. This can make for what can be seen as a less than ideal service being provided. It is, though, a ubiquitous problem.
6. The eight week period is not simply a guideline, it is a defined legal timeframe. That said, it is not unusual for certain applications to remain undetermined at the expiry date. This, of course, did lead to the appeal in this instance, with no agreement reached between the two parties as to an extension of time; a common approach in such circumstances. On the face of it, the Council was at fault here.

7. Nonetheless, I note that the appeal, when lodged on-line, only involved uploading the supporting evidence which had already been submitted alongside the application. It appears that no additional material was gathered. The appellant, himself, took on this task; there was no agent employed. Accordingly, apart from some inconvenience, there would have been little, if insignificant, additional expense incurred in the process.
8. I must also acknowledge that, although the eight week period was not met, this does not mean that a decision would not have been reached in the near future, thereafter. Once an appeal has been made as to a non-determination the application is out of the Council's jurisdiction which can thereafter lead to further delays, then beyond the Council's control.
9. I do sympathise with the appellant, but there are a number of factors involved in the process which have seemingly worked against him. I feel, though, it would be unfair to penalise the Council financially in this instance, as I have found only that its most significant failing was the lack of communication on its part.
10. Accordingly, for the reasons given above, I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
11. I therefore refuse the application for an award of costs.

Timothy C King

INSPECTOR