



Costs Decision

Site visit made on 24 June 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Costs application in relation to Appeal Ref: APP/F3545/W/25/3359511 103 Westward Deals, Kedington, Suffolk CB9 7PL

- 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 Greg Pyke for a full award of costs against West Suffolk Council.
 - The appeal was against the refusal of planning permission for the proposed development describes as: Project: Electric Vehicle charging point - Driveway & Ramp Application
 1. Transform existing Front Garden (Currently Grass lawn) into Permeable Tarmac or Paving stones bricks Driveway to park 1-2 Vehicles maximum. This would be size of 6.4m x 6.4m in dimension. This applies to planning specifications.
 2. Install Access ramp across "Unregistered Land" grass bank, to permeable driveway length 6.95m x Maximum of 3m (as specified under planning specifications).
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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. The PPG also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
4. The applicant puts forward that the Council provided contradictory statements whether planning permission was required for the proposed works. In addition the appellant comments on the time it took to determine the applications, the cost of the applications, the time required to write rebuttal statements and the increase in construction costs.
5. If the appellant wanted to have a determination on whether the proposal was development was lawful, they may make an application under section 192 of The Town and Country Planning Act 1990 (as amended). However, planning permission would likely be required as the proposal goes beyond the permitted development rights detailed under The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 2 Class B.

6. The application was refused on the grounds of harm to character and appearance, and harm to pedestrian safety. Regarding character and appearance, the Council put forward a clear argument to why the proposal would detrimentally harm the character of the area. It is also an argument that I have concluded would have significant weight against the development and dismissed the appeal on. The second element to the reason for refusal focused on pedestrian safety and did go against the professional advice of the Local Highways Authority. However, I am satisfied that the Council reasonably substantiated its argument on why it went against professional advice and that its argument did have some merit.
7. While the planning process has cost the appellant in both time and financial resources, these were required to both determine the merits of the case and allow resolution through the appeal process.

Conclusion

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

A Phillips

INSPECTOR