



Costs Decision

Site visit made on 4 August 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 AUGUST 2025

Costs application in relation to Appeal Ref: APP/F3545/W/24/3356119

Ducks Hall, Ducks Hall Lane, Cavendish, Suffolk CO10 8AL

- 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 Geert and Margaret Willemssen for a full award of costs against West Suffolk Council.
 - The appeal was against the refusal of planning permission for a. three dwellings with demolition of existing steel barns b. associated access.
-

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 reasons for the applicant's costs application include that the Council failed to provide a robust justification for the reasons for refusal, failed to take into account all the evidence provided by the applicant, failed to have due regard to case law and failed to consider the relevant provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
4. The Council assessed the proposal against the provisions of the local plan at the time, the Joint Development Management Policies Document 2015 and the St Edmundsbury Core Strategy 2010, in particular those policies which relate to the spatial strategy. The Council concluded that the proposal would not accord with the spatial strategy.
5. As a part of its assessment, the Council refers to the approved Class Q¹ scheme². The Council set out that it is mindful of the Mansell³ judgement and attributed some weight to the fallback position. That the Council has attached a different weight than the applicant to this consideration is a planning judgement which it is entitled to and does not amount to unreasonable behaviour.
6. On its response to the applicant's costs claim, the Council sets out that some examples quoted within the Design and Access Statement are not located within West Suffolk. While this could have been explained within the Officer report, it is

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q

² LPA Ref DC/23/1213/P3QPA

³ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

not determinative to this case because these examples are located elsewhere and therefore would have been assessed against different policy contexts. Therefore, while the Council could have been clearer, it was not unreasonable in this regard.

7. However, one example quoted by the applicant was located within West Suffolk. The Council's costs response advises that this application was approved by the Development Control Committee against officer recommendation. While it may be that officers have maintained a consistent approach when determining this type of applications, such an approval formed the Council's decision. As such, I find that it should have been referred to within the officer report. However, given the specific circumstances of this appeal, including its effect on the Grade II listed building, it is unlikely that the other example would be comparable to the appeal scheme. On this basis, I cannot conclude that this appeal would have been avoided, should the Council have referred to that application in the Officer report.
8. It is acknowledged within the Council's reason for refusal that the proposal would lead to less than substantial harm to the setting of the listed building and the public benefits would not be sufficient to outweigh this harm. It is explained in the Council's officer report why the proposal would harm the heritage asset. While the assessment of public benefits within the Officer report is limited, the Council's statement of case adds to this matter and identifies that in the Council's view, the public benefits of the scheme, including the provision of three dwellings, would not outweigh the harm identified.
9. Although the balancing exercise could have been more clearly set out, based on the further information provided in the Council's statement of case, and noting that this is a matter of planning judgement, I am not persuaded that the appeal could have been avoided, even if the Council was clearer in its explanation of its application of the balancing exercise.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR