



Costs Decision

Site visit made on 19 August 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Costs application in relation to Appeal Ref: APP/F3545/W/25/3365917

Land rear of 89 York Road, Bury Saint Edmunds, Suffolk IP33 3EQ

- 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 West Suffolk Council for a full award of costs against Deborah Pooley.
 - The appeal was against the refusal of planning permission for outline consent for erection of two detached dwellings with gardens with access via Prince of Wales Close.
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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 Council puts forward that the appeal had no chance of succeeding given the previous appeal decision for two dwellings on this site. In addition, the Council made the appellant aware that if it did appeal that it would seek costs.
5. The first reason for refusal was on the effect of the proposal on the character and appearance of the local area, specifically Victoria Street Conservation Area. While I accept the scheme is of a very similar nature to what has been previously dismissed at appeal, it is accepted that the appellant was seeking to draw further clarification on whether the harm would be due to the loss of long gardens that defined the Conservation Area or by the loss of green space within the Conservation Area. In addition, the appellant has provided evidence to show that this site was previously developed in the past. While I have concluded that the proposal would harm the Conservation Area, I do not conclude that the appellant has acted unreasonably.

6. The second reason for refusal is on impact to ecology on site. Firstly, both parties I have concluded have not provided a clear mechanism to ensure the proposal comes forward as two self build plots to meet the exception to Biodiversity Net Gain. Secondly, the appellant has provided some justification in the appeal and I am satisfied that it had limited merit. Thirdly, there is no evidence before me to suggest that the Council incurred unnecessary or wasted expense in the appeal to defend this reason for refusal.

Conclusion

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

A Phillips

INSPECTOR