



Costs Decision

Hearing held on 25 and 26 June 2025

Site visits made on 26 and 27 June 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Costs application in relation to Appeal Ref: APP/R3515/W/25/3361655

Land North of Mitford Close, Mitford Close, Ipswich IP1 6SE

- 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 Blakeney Estates Ltd for a full award of costs against Ipswich Borough Council.
 - The appeal was against the refusal of planning permission for outline planning application with all matters reserved for residential development of up to 80 dwellings (Use Class C3), including 30% affordable housing, ancillary landscaping, garden and leisure areas, car parking, circulation space and internal access ways.
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Decision

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

The Submissions for Blakeney Estates Ltd

2. The costs application was submitted in writing prior to the hearing. It has been made on the substantive grounds that an outline application was refused on subjective design and amenity grounds which are not substantiated by the Council's subsequent evidence.

The Response by Ipswich Borough Council

3. The response was submitted in writing at my request following discussions at the hearing and the Council refutes the appellants' claims.

Reasons

4. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance¹ (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.
5. I acknowledge the substantial amount of work that has gone into the application, leading to the Council's officers recommending approval. However, Members are not bound to follow the advice of their Officers.
6. The Council's first reason for refusal is clearly related to the effect of the proposal on the landscape character of the area and the inevitable consequences of residential development of the site, irrespective of the final scheme design.

¹ Appeals Paragraph: 030 Reference ID: 16-030-20140306 Revision date: 06 03 2014

Whether or not these effects amount to harm is a matter of planning judgement for each decision maker.

7. I agree that it is a mis-characterisation of LP Policy 11 to say that there is no in-principle support for major residential development in the countryside when it is a specific exception within the policy. However, the Council clearly articulated its reasons why it considered the outline proposal did not respect the character of the countryside. I am not convinced that finding in this case would nullify the policy more widely. The circumstances of each site and its relationship to Ipswich and the surrounding countryside would be different. Any findings in this appeal relate to this site only. I am therefore satisfied that in relation to the first reason for refusal, the Council demonstrated a reasonable exercise of planning judgement.
8. Core Strategy and Policy Development Plan Document Review (March 2022) (CS) Policy DM18 is very clear that it seeks to protect quality of life. The policy clearly includes noise on the list of factors to be considered in this assessment. The use of 'include' in the policy confirms that this is an open list and so other issues that may affect quality of life will also be considered. There is no reason that this cannot include noise generated by traffic.
9. The submitted technical evidence related to traffic generation and was not in dispute. I note the reason for refusal referred to a substantial increase in traffic. In terms of a change from the low baseline number of movements on Mitford Close, and the potential effect on the living conditions of existing occupiers, this was not an unreasonable assessment of the nature of the change. The Council has, just, demonstrated a reasonable exercise of planning judgement in this matter, notwithstanding I did not agree with it.
10. The Council acknowledged it does not have a five year supply of deliverable housing land, and that paragraph 11d of the National Planning Policy Framework (the Framework) was engaged in determining the application. The Statement of Common Ground was clear that both main parties were in agreement that the policies of the development plan were in conformity with the Framework. Paragraph 135 is one of the key policies referred to in Footnote 9 of paragraph 11dii) and expects decisions to ensure that developments create places with a high standard of amenity for existing or future users. It is a matter of planning judgement for the decision maker how much weight to afford to the policies of the development plan and to the policies of the Framework in reaching their decision.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not therefore justified.

Jennifer Wallace

INSPECTOR