



Costs Decision

Site visit made on 9 October 2025

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2025

Costs application in relation to Appeal Ref: APP/D3505/D/25/3369384

The Cottage Withindale Lane, Long Melford, Sudbury, CO10 9HS

- 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 Aidan Powlesland for a full award of costs against Babergh District Council.
 - The appeal was against the refusal of planning permission for the erection of a two-storey side extension (following demolition of an existing single-storey extension).
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Decision

1. The application for an award of costs is partially allowed in the terms set out below.

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
 - the unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG clarifies that unreasonable behaviour may either be procedural¹ or substantive². Although an application for costs may relate to events before the appeal, the PPG states that costs unrelated to the appeal are not eligible for an award³. In light of this, the appellant's concerns in respect of how the previous applications and appeal were considered are not a matter for this Costs application.
4. The application for costs by the appellant is based on substantive grounds in that it alleges the Council acted unreasonably in; - (1) preventing or delaying development that should clearly be permitted, based on an inadequate and incorrect assessment of the submission; and (2) referring to policy SP09 of the Local Plan⁴ in the reason for refusal.
5. In accordance with section 38(6) of the 2004 Act⁵ and section 70(2) of the 1990 Act⁶, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point of decision-making is therefore plan-led.

¹ Paragraph: 047 Reference ID: 16-047-20140306, Revision date: 06 03 2014

² Paragraph: 049 Reference ID: 16-049-20140306, Revision date: 06 03 2014

³ Paragraph: 032 Reference ID: 16-032-20140306, Revision date: 06 03 2014

⁴ Babergh and Mid Suffolk, Joint Local Plan - Part 1, November 2023.

⁵ Planning and Compulsory Purchase Act 2004 (as amended)

⁶ Town and Country Planning Act 1990 (as amended)

Ground 1: Preventing or delaying development that should clearly be permitted, based on an inadequate and incorrect assessment of the submission

6. It will be seen from the appeal decision that I agree with the grounds upon which the Council refused the application, namely that relating to the effect of the development on the character and appearance of the host dwelling and wider area. I also concluded that the proposal did not accord with the development plan and that other material considerations did not indicate that the proposal should be determined other than in accordance with this.
7. In view of this, I do not agree that the Council prevented development that should clearly be permitted and am satisfied that it gave proper consideration to the appellant's submission. It did not therefore behave unreasonably and the application for costs on this substantive ground accordingly fails.

Ground 2: Referring to policy SP09 of the Local Plan in the reason for refusal

8. It will be seen from the appeal decision that I disagree with one of the policies upon which the Council refused the application, namely that relating to Policy SP09 of the Local Plan which relates to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure.
9. This is on the basis that the case officer report clearly states that the development complied with this policy.
10. In view of this, I consider it unreasonable of the Council to have introduced Policy SP09 of the Local Plan into its reason for refusal. The application for costs on this substantive ground therefore succeeds.

Conclusion

11. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the Council's reference to Policy SP09 of the Local Plan in the reason for refusal and a partial award of costs is therefore warranted.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Babergh District Council shall pay to Mr Aidan Powlesland, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in addressing Policy SP09 in the reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to Babergh District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Robert Fallon

INSPECTOR