
Costs Decision

Site visit made on 4 November 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Costs application in relation to Appeal Ref: APP/X3540/W/25/3370762

Land to North of Lowood Lodge, Hasketon Road, Burgh, Woodbridge IP13 6JL

- 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 Matt Tack for a partial award of costs against East Suffolk Council.
 - The appeal was against the refusal of permission in principle for a development described as 'Application for Permission in Principle - Erection of 1no. detached dwelling and garage (self-build), creation of new access on to Hasketon Road/Mill Lane and stopping up of existing access'.
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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. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on procedural grounds.
3. Unreasonable behaviour on the part of a Council may include introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen and prolonging the proceedings by introducing a new reason for refusal.
4. The applicant submits that the Council has acted unreasonably by introducing a new objection in its Statement of Case (SoC) relating to self-build housing, which was not raised as part of its assessment of the original planning application. They contend that this has unnecessarily prolonged the appeal process and put the applicant to an avoidable cost in responding to this new objection.
5. However, the Council's commentary in relation to self-build housing in its SoC does not introduce a new objection to the appeal scheme. The Council does not identify conflict with any Development Plan policies or harm arising from the development in this respect. Instead, it responds to points raised in the applicant's SoC in relation to the delivery of a self-build dwelling as a material consideration and the weight to be attributed to this in the planning balance. Indeed, the Council's SoC concludes that this matter can be regarded as a benefit of the development, even if the level of weight this should attract is not agreed between the main parties. Consequently, the Council did not introduce a new reason for refusal.

6. The Council has referred to completion of its Custom and Self-Build Delivery Statement template in its SoC which it states helps the Council understand how development would meet the relevant definition. However, it does not contend that a failure to complete this template is additional grounds for refusal. Nor does it suggest that the inability to secure a planning obligation to ensure the development is delivered as a self-build dwelling to meet the definition in the Self-build and Custom Housebuilding Act 2015 (as amended) is additional grounds for refusal either.
7. Whilst the Council's consideration of the benefit of the delivery of self-building housing could have been clearer in the officer's delegated report, I am satisfied that the Council has not introduced a new objection to the development as is suggested. Nor do I consider the Council has acted unreasonably in clearly articulating the weight it would attribute to this benefit in the planning balance in its SoC having regard to the permission in principle process and restrictions.
8. As the Council's SoC was received within the deadline set within the appeal timetable and the applicant had the requisite period to respond, there is nothing before me to suggest that the appeal proceedings have been delayed either.
9. Consequently, I am not persuaded that the applicant has been put to unnecessary extra expense as a result of unreasonable behaviour on the part of the Council, nor has the Council's behaviour resulted in additional work that would not otherwise have arisen or prolonged the appeal proceedings.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Whitfield

INSPECTOR