



Costs Decision

Site visit made on 4 November 2025

by J Bowyer 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/25/3365102

Barsham Rigg, Barsham, Suffolk NR34 8HE

- 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 Meil Peek for a full award of costs against East Suffolk Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for an 'annex building'.
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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 ('the 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. It goes on to explain that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to procedural matters or to the substance of the matter under appeal. Examples given of unreasonable behaviour include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. The PPG further explains that if an appeal against non-determination is allowed, the local planning authority may be at risk of an award of costs, if there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether.
4. The Council did not determine the appeal application within the prescribed period. However, I have been provided with copies of correspondence indicating that the Council advised the applicant of its intention to refuse the application within two weeks of the expiry of the prescribed period. Although regrettable and the Council has not offered any reasons for the delay, it was not an excessive period. Moreover, I have concluded that the appeal should be dismissed. It is not therefore apparent that better communication with the applicant would have enabled the appeal to be avoided altogether and so even if I were to find the delay in determination to constitute unreasonable behaviour by the Council, I do not find that this has caused the applicant to incur unnecessary or wasted expense in the appeal process.
5. The National Planning Policy Framework ('the Framework') advises that local planning authorities should work proactively with applicants to secure

developments that will improve the economic, social and environmental conditions of the area, but there is no statutory requirement to provide an opportunity for amendments, and the Council indicates that in this case, amendments to the proposal would not have overcome its concerns. Moreover, no amendments were invited but the Council did indicate that it would respond to the applicant's comments and it is not therefore clear to me that it unreasonably prevented dialogue. In addition, the Framework highlights that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties, but the applicant has not disputed the Council's evidence that they did not undertake pre application engagement here. Against this context, I do not consider the Council behaved unreasonably in not giving the applicant an opportunity to amend the proposal.

6. I have also found that the overall proposal would conflict with Policies of the Waveney District Local Plan 2019, including Policy WLP8.10 which concerns residential annexes in countryside. Although I have not agreed with all aspects of the Council's assessment, including particularly my finding that the actual annex building would be generally subordinate in scale to the host dwelling, these reflect matters of planning judgement and I cannot agree with the applicant that the Council has been overly rigid in its application of the policy.
7. Paragraph 3.13 of the Council's statement asserts that there is no permitted development fallback. Although the reasons for this are not explained, I have noted in my appeal decision that the nature of the accommodation proposed means that permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as referenced by the applicant would not apply. The alleged fallback therefore attracts limited weight. Paragraph 3.14 of the Council's statement also acknowledges policy in the Framework in respect of meeting specific housing needs.
8. These matters were not raised in the Council's email to the applicant notifying them of the intention to refuse, but that was a courtesy email rather than a full officer report and I would not expect such communication to cover all relevant matters. Overall, I am not persuaded from the information before me that the Council failed to have proper regard to relevant material considerations in its assessment of the proposal.
9. Taking these matters together, I am satisfied that the Council's evidence sufficiently and reasonably justifies its case that planning permission should be refused and this is not a case where there has been unreasonable delay to a development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
10. For these reasons, I find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for a full award of costs is refused.

J Bowyer

INSPECTOR