Planning Inspectorate

Costs Decision

Hearing held on 4 November 2025

Site visit made on 4 November 2025

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2025

Costs application in relation to:

Appeal A Ref: APP/R3515/C/25/3369267
Christchurch Cottage, Bridle Way, Ipswich IP1 3JJ

- The application is made under the Town and Country Planning Act 1990 ("the Act"), sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Tony Cox for a partial award of costs against Ipswich Borough Council.
- The appeal was against an enforcement notice alleging: Without planning permission, the erection of a detached dwellinghouse on the Land ("the Notice").

Appeal B Ref: APP/R3515/W/25/3367875
Christchurch Cottage, Bridle Way, Ipswich, Suffolk IP1 3JJ

- 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 Tony Cox for a partial award of costs against Ipswich Borough Council.
- The appeal was against the refusal of planning permission for: Modifications to design of dwellinghouse as approved under reference IP/19/00407/FUL. Following demolition of existing dwellinghouse and erection of new-build dwelling.

Decisions

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 appellant's claim relates to the inclusion in the enforcement notice of the requirement in the alternative to demolish the dwelling ("requirement 5B") in relation to Appeal A.

4. The Council made clear at the Hearing that the sole purpose of the Notice was to remedy the injury to amenity, and no evidence was submitted or given in defence of requirement 5B. In that respect it was inevitable that I found in my appeal decision that the appeal on ground (f) should succeed in part in relation to that element of the requirements. This amounts to unreasonable behaviour on the part of the Council.

5. Requirement 5B was an alternative to apply only if the more limited measures in requirement 5A were not complied with. The appellant's appeal on ground (f) also related to the various elements of these specific requirements in 5A as well as to the inclusion of 5B.

6. The appellant argues that the Council's view that the dwelling was built without planning permission caused considerable distress to the appellant and that a lot of time was spent addressing that point. But it was a point closely related to the reasonableness of elements of requirement 5A for Appeal A and the existence and extent of the appellant's claimed fallback position for Appeal B, not one which related solely, or even primarily, to requirement 5B.

7. It has therefore not been demonstrated that the Councils actions have resulted in the appellant incurring unnecessary or wasted expense.

8. Unreasonable behaviour resulting in unnecessary or wasted expense has therefore not occurred, and an award of costs is not warranted.

Peter White

INSPECTOR