Planning Inspectorate

Costs Decision

Site visit made on 26 May 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Costs application in relation to Appeal A Ref: APP/X3540/C/25/3366348
The Old Golf Shop, Waldringfield Gold Club, Newbourne Rd, Waldringfield IP12 4PT

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs Julie Kemp for a full award of costs against East Suffolk Council.
- The appeal was against an enforcement notice alleging the material change of use of the building to a residential dwelling.

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.

3. The application for an award of costs is based on the Council's behaviour being unreasonable in respect of the reasons set out and addressed below.

Unreasonable compliance period

4. The applicant asserts that issuing an Enforcement Notice (EN) with a 12-month compliance period, while there was a live planning application seeking to regularise the use, was unreasonable. However, the existence of a pending planning application does not preclude the Council from taking enforcement action, nor does it render the compliance period unreasonable or unjustified.

Conflict with established process timelines

5. While the pending application, or any subsequent appeal, may not be determined within the compliance period, this does not render the EN unreasonable. The compliance period was deliberately set to accommodate the planning process as far as reasonably possible, while recognising that enforcement action must address the breach as it existed at the time the notice was issued. The possibility of delay inherent in the planning and appeal process cannot justify allowing an unauthorised use to continue indefinitely.

Failure to provide certainty

6. The applicants claim that the Council's ability to exercise discretion fails to provide certainty is misconceived. The Council is not required to provide certainty beyond the requirements and compliance period set out in the EN. The applicant has been afforded 12 months to comply, which is a substantial and reasonable period within which to make alternative arrangements. Any risk of incurring expense arises from the decision to commence the use without first obtaining planning permission. The planning system does not protect against the consequences of that choice, nor does it require the Council to delay or refrain from enforcement action while a potential long-term solution is pursued.

Wording of the Notice

7. The applicant considers that the term "permanent cessation" has far-reaching implications. Whilst I have varied the requirement to remove the word "permanent", Section 181(1) of the Town and Country Planning Act 1990 provides that compliance with any requirement of an enforcement notice does not discharge the notice. The requirements of an EN therefore have an enduring effect irrespective of the terminology used. The amended requirement is not unduly restrictive and does no more than secure compliance in respect of the breach of planning control alleged.

8. For the above reasons unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Goldberg

INSPECTOR