Planning Inspectorate

Costs Decision

Site visit made on 17 February 2026

by T C King BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2026

Costs application in relation to Appeal Ref: APP/F3545/W/25/3372100
Barn, Church Lane, Worlington, Suffolk, IP28 8SG

- 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 and Mrs Richard and Cortney Hurlock for an award of costs against West Suffolk Council.
- The appeal was against the Council's refusal of an application for prior approval under Parr 2, Class Q of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Decision

1. The application 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 applicants have made comprehensive representations as to why an award of costs against the Council's approach to determining the application made is appropriate given the circumstances. However, the applicants have given a very narrow interpretation as to the scope of the considerations available to the Council in assessing the proposal, notwithstanding the applicability of national guidance and legislation.

4. To illustrate the above, the applicants indicate their belief that the Council treated the application as a proposal for full planning permission. To be fair, it is sometimes the case that local planning authorities can be rather negative in their approach to applications made under the prior approval regime. In this particular instance the applicants make mention of the Council introducing a 'freestanding heritage assessment' by 'importing a full heritage balance' under the National Planning Policy Framework (the Framework).

5. As set down in the main decision, though, the Framework is relevant to Class Q applications, with paragraph W of Part 3 of the Town and Country Planning (General Permitted Development) Order (GPDO), indicating that local planning authorities are required to have regard to the Framework, so far as relevant to the subject matter of the prior approval, as if the application was, instead, a full planning application.

6. Taken together with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) which imposes a statutory duty on local planning authorities (LPA) to give special regard to the desirability of preserving a listed building or its setting, the courts have confirmed that Councils must still appropriately weigh the considered impact on the setting of listed buildings when assessing 'siting and location' under the GPDO prior approval process.

7. As, I have mentioned, I consider that the Council's assessment itself was somewhat confused whereby the case report says that the proposed physical changes to the barn would be acceptable, yet then saying that the building's resultant domestic appearance would erode the existing agricultural setting to the west of the listed Church. Indeed, I do not feel that the Council has properly articulated its objections but the case report does suggest that there is a clear and understandable aim to preserve the significance and setting of this Grade I listed heritage asset, and the Council have taken the stance that, in assessing the siting and location of the building and its proposed conversion, the setting of the Church would be harmed.

8. To this extent I sympathise with the applicants view that the Council, on the face of it, has not substantiated its decision to refuse the application. Nonetheless, I am satisfied that the Council's approach to determining the application was correct, despite its stated reason for refusal being weak. Accordingly, I consider that an appeal would have always likely ensued, although it is regrettable if the Council was reluctant to discuss the proposal, as the applicants suggest. On balance though, in the circumstances, I am not convinced that the matters cited by the applicants are such as to warrant an award of costs.

9. I must, therefore, conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated. Accordingly, no award of costs is justified here.

10. The application is thereby refused.

T C King

INSPECTOR