
Costs Decision

Site visit made on 27 September 2016

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th October 2016

Costs application in relation to Appeal Ref: APP/V0510/W/16/3154406 Land adjacent to 30 & 32, Roswell View, Ely, Cambridgeshire CB7 4JS

- 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 Graham Harvey for a full award of costs against East Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for the erection of a 3 bedroomed house.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 applicant has argued that the Council has acted unreasonably in reiterating the reasons for refusal from an earlier proposal that had been considered at appeal and raising concerns, for example in relation to trees, which the previous Inspector had addressed. The earlier appeal was dismissed on the grounds of the impact on the living conditions of neighbouring occupants. However, the Inspector found the effect on the character and appearance of the proposed dwelling on the Conservation Area to be neutral. The applicant considers that there were no material changes in the nature of this scheme such that the Council could reasonably come to a different conclusion to the previous Inspector.
 4. The Council maintain that there are significant differences between the two proposals and that it is appropriate for them to have reconsidered the individual merits of the revised proposal. I agree with this conclusion. There are a number of differences in terms of the siting of the dwelling that could lead to a different effect on the character of the area. I have found that the Council had reasonable concerns regarding the impact of the proposal and that the revisions from the previous scheme would result in a more prominent and incongruous form of development than the previous Inspector had considered. The Council was entitled to come to a different conclusion when assessing the merits of this particular application and has not acted unreasonably in this regard.
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Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

S J Lee

INSPECTOR