
Costs Decision

Site visit made on 30 January 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 21 February 2017

Costs application in relation to Appeal Ref: APP/H0520/W/16/3161389 69 Luke Street, Eynesbury, St Neots, Cambs PE19 2TN

- 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 Paul Ursell for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission for erection of 5 dwellings and associated infrastructure; demolition of part of existing dwelling and extension to form new kitchen.
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Decision

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

Reasons

2. The applicant considers that the Council behaved unreasonably in that the proposals had been amended during the pre-application discussions to gain the support of officers and that the Development Management Committee (the Committee); refused the planning application without due regard to the advice of its own professional officers; that the Council did not provide an adequate reasoned justification for refusing the planning application; and that the Council may have given undue weight to the objections raised by third parties.
3. The Council responds that Councillors are entitled to exercise their own judgement and are not obliged to accept the officer recommendations. The reasons for refusal are clearly stated with reference to the development plan and national guidance. The Planning Practice Guidance states it is for the decision maker to decide what weight is given to material considerations and the Council has not been unreasonable in facilitating the operation of local democratic decision making.
4. The Planning Practice Guidance says that, irrespective of the outcome of the appeal, costs may only 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 process¹.
5. I acknowledge that the applicant followed best practice in consulting with the Council and amending the proposals before submitting the planning application and in this way the proposal gained the support of the Council Officers. However, even in such circumstances, Councillors are not obliged to accept the recommendations of officers. The Committee was entitled to exercise

¹ Paragraph: 030 Reference ID: 16-030-20140306

judgement regarding the effect of the proposals on the character and appearance of the St Neots Conservation Area and on the living conditions of nearby residents. The Councillors were rightly entitled to give the weight they considered appropriate to the views of third parties.

6. The Council could have provided more details to describe their conclusion and reasoning. However, there was sufficient evidence available for me to reach a conclusion. Without repeating all the information in the appeal Decision I have found against the appellant in respect of the effects of the proposals on the character and appearance of the area and on the living conditions of nearby residents and I do not find the Council behaved unreasonably in this respect.

Conclusion

7. For the reasons set out above I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not justified in this instance.

SDHarley

INSPECTOR