

Costs Decision

Site visit made on 2 May 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 11th May 2017

Costs application in relation to Appeal Ref: APP/H0520/W/16/3167776 Land opposite 315 Ugg Mere Court Road, Ramsey Heights, PE26 2RJ

- 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 Mrs Gay Berner for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission for 2 no. residential dwellings.
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Decision

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

Reasons

2. The national Planning Practice Guidance (PPG) advises in paragraphs 29 and 30 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 process.
3. The applicant submits the Council has acted unreasonably with regards to paragraph 49 of the PPG and the substance of the matter under appeal on two main grounds. Firstly, that the Council failed to produce evidence to substantiate the reason for refusal. In the committee report, it is clear to me that the Council considered the location of the proposed development and how the proposal would relate to its surroundings. There was analysis of why the site does not form part of the built-up area of Ramsey Heights. As such, it was sufficient to understand why the Council considered the proposal would harm the character and appearance of the area. Therefore, no unreasonable behaviour has occurred on the first main ground.
4. On the second main ground, the applicant contends that the Council prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations. It is evident that the committee report considered the proposal's compatibility with the development plan and national policy, finding that the relevant adopted Local Plan policies were in general conformity with the National Planning Policy Framework (NPPF).
5. There is no reference in the report to the earlier appeal decisions at Wistow and Ramsey Heights¹ highlighted by the applicant or any discussion about the relevance and weight to be applied to certain development plan policies based

¹ APP/H0520/W/15/3025068 and APP/H0520/W/16/3154786

on these decisions. In my appeal decision, I disagree with the Council's position regarding the conformity of certain development plan policies with the NPPF and the internal consistency of policies. The lack of reference to the previous appeal decisions and their implications for development plan policies thus amounts to unreasonable behaviour.

6. However, the Council was correct to identify conflict with the development plan and national policy which, in this instance, weighed decisively against the proposal. Thus, the Council has not prevented or delayed development which should clearly be permitted having regard to the development plan, national policy and other material considerations. The applicant would have had to contest an appeal regardless and would have had to incur necessary expense.

Conclusion

7. I have found that no unreasonable behaviour has occurred that has led to unnecessary or wasted expense in the appeal process. Therefore, for the reasons given above, no award of costs is made.

Tom Gilbert-Wooldridge

INSPECTOR