
Costs Decision

Site visit made on 18 April 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 9 June 2017

Costs application in relation to Appeal Ref: APP/W0530/W/16/3164657 To the west of the Cemetery, Land North of The Causeway, Bassingbourn Cambridgeshire

- 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 M Scott Properties Ltd and Parker Farms (Bassingbourn) Ltd for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of outline planning permission for 26 residential dwellings with associated access highway, parking and landscaping.
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Decision

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

Reasons

2. 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. The application for costs seeks a full award on procedural¹ and substantive grounds².
3. The appellants state that the Council was unreasonable and the refusal was unnecessary as there was a delay in providing information or other failure to adhere to deadlines, failure by Committee Members to appreciate and apply relevant national policy and not following the correct procedure in determining the application. The appellants state that the reason for refusal was vague, generalised and inaccurate assertions about the proposal's impact which was unsupported by any up to date objective analysis and the Council failed to produce evidence to substantiate it.
4. The appellants state that the Planning Committee in reaching a decision relied on historical planning refusals and planning appeals and that the allocation of the site had been disregarded for development due to landscape impact. The appellants argues that in doing so they gave little or no material weight to the evidence produced by the appellants including a Landscape and Visual Appraisal and the supporting observations of the Council's Landscape Design Officer. The appellants also contends that the Planning Committee gave little or no material weight to the appellants supporting Sustainability Statement and the supporting observations of the Council Officers in the Committee report

¹ Planning Practice Guidance: Paragraph: 047 Reference ID: 16-047-20140306

² Planning Practice Guidance: Paragraph 049 Reference ID 16-049-20140306

when taking the view that the proposal did not comprise sustainable development.

5. The appellants state that the Planning Committee in reaching a decision failed to balance their concerns relating to landscape impact against the overall benefits of the development and the wider principles of sustainable development in accordance with paragraph 14 of the National Planning Policy Framework (the Framework). The appellants outline that this decision was taken by the Planning Committee despite having the knowledge of a recent appeal at Melbourne where the Inspector took the view that the benefits of delivering market and affordable housing outweighed the landscape impact³.
6. I appreciate the appellants concerns regarding the Council's responsiveness and the delays in processing the application, submissions and consultation responses during the application process. However, the Council's submission and supporting evidence clearly shows that the Council actively engaged with the appellants during the application process and carried out their duty to assess the development proposal as submitted. In light of the complex and substantial nature of the application, I do not consider that the Council has acted unreasonably in this regard.
7. The reason for refusal set out in the decision is complete, precise, specific and relevant to the application and has been adequately substantiated by the Council. The officer's committee report demonstrates the Council's view on the principle of the housing development and sustainability and how the proposal would affect the landscape of the area using the evidence submitted by the appellants, third party representations and the Council's observations. The appeal decision outlined above was acknowledged in the Council officer's report and as such I am satisfied that this had been taken into consideration.
8. In light of the lack of a five year housing land supply, the development was assessed in the officer's committee report against the presumption of sustainable development and the planning balance applied in accordance with the Framework to determine whether the adverse impacts identified would not significantly and demonstrably outweigh the scheme's benefits. The proposal was refused against an officer recommendation for approval.
9. However, this is a matter of planning judgement and the Council Members are not bound by the officer's recommendations and professional advice, in making their final decision. In this instance a case was made by the Planning Committee that the proposal was unacceptable and the reason for refusal clearly states the Policies of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 and the paragraphs of the Framework that the proposal would be in conflict with. Whilst I appreciate the appellants concerns regarding the wide ranging discussion by the Planning Committee, the conduct of the Members in reaching their decision and the disparity between the minutes of the committee and the final wording of the decision notice, these are not a material consideration to which I can attach significant weight in making this decision.
10. It will be seen from my decision that I do not agree with the Council on the merits of this development. However, these are matters of planning judgement based on an assessment of fact and degree of the effects on the

³ APP/W0530/W/15/3131724

main issues relating to the development. The Council and the Planning Committee was entitled to form their own views about the impacts of the development even though, for the reasons set out in my appeal decision, I have reached a different conclusion on the planning merits of the case. Nonetheless for the reasons that I have given, I cannot agree that the Council has acted unreasonably in this case.

11. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

David Troy

INSPECTOR