
Costs Decision

Site visit made on 4 July 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 4 August 2017

Costs application in relation to Appeal Ref: APP/W0530/W/17/3171897 The Old Bakery, Church Street, Litlington, Royston SG8 0RD

- 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 T Kerchiss for an award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing building and erection of a new dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) is clear that costs may only be awarded against a party who has acted unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, the PPG is clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The appellant's claim is that the Council acted unreasonably during the registration and determination of the planning application which lead to the submission of the appeal. The Council provided a decision notice and delegated report which clearly set out their position, which the appellant sought to appeal against.
4. I am mindful that the PPG states that the behavior and actions at the time of the planning application can be taken into account in consideration of whether or not costs should be awarded. However, the appellant has not cited any of the examples the PPG provides where a local authority may have acted unreasonably and costs may be awarded. Moreover, the matters the appellant refers to do not relate to the appeal process or the planning merits of the appeal and are not ones that should be pursued through the appeal process as other mechanisms exist to resolve such issues.
5. I am satisfied that the Council gave sufficient consideration to the planning application and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

Graham Wyatt

INSPECTOR