

Costs Decision

Site visit made on 12 December 2017

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2018

Costs application in relation to Appeal Ref: APP/V0510/W/17/3181648 The Chequers, 58-62 Carter Street, Fordham CB7 5JT

- 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 Brian Mullin (Punch Partnerships (PML) Ltd) for a [partial] [full] award of costs against East Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for development of a neighbourhood convenience store.
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Decision

1. The application for the award of costs is dismissed.

Reasons

2. National Planning Practice Guidance (the Guidance) advises that costs may 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 appeals process. Unreasonable behaviour can include preventing or delaying development which clearly should be permitted.
 3. The Planning Committee decided to refuse the application contrary to the advice of their professional officers who produced a written report analysing the effects of the proposal. Whilst a planning committee is not bound to accept the recommendations of its officers, if their technical advice is not followed, then reasonable grounds for taking a contrary decision need to be provided supported by relevant evidence.
 4. I recognise that consideration of planning applications often involves matters of judgement which at times can be finely balanced. In this appeal the representations made by local residents and their representatives emphasised their concerns regarding the effect that the proposal would have on highway and pedestrian safety in the vicinity of the site and the sufficiency of the parking provision by the co-location of proposed new store and the existing pub and the effect that this could have on the future viability of the pub.
 5. It was not, in my opinion, therefore unreasonable for the Planning Committee, where the issues are finely balanced, to give substantial weight to the objections received from local residents and Members.
 6. Whilst I have found against the Council with regards to the effect that the proposal would have on highway and pedestrian safety and the economic viability of the adjacent pub I consider that the Council have provided a detailed appeal statement supported by policies adequately addressing these matters in response to the appeal and given the Committees' concerns
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regarding the effects of the proposal has not, in my opinion, therefore acted unreasonably.

7. I conclude therefore that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Guidance has not been demonstrated. Accordingly, this application for costs fails.

Jo Dowling

INSPECTOR