



Costs Decision

Site visit made on 7 August 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Costs application in relation to Appeal Ref: APP/Q0505/W/19/3230603 3 Spalding Way, Cambridge, Cambridgeshire CB1 8NP

- 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 Ms Vanessa See for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal of planning permission for a new single storey dwelling at land to the rear of nos. 3 and 5 Spalding Way Cambridge CB1 8NP.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant considers that the scheme was not properly evaluated by the Councillors in light of the committee report prepared by officers of the Council and that 'they arrived at their decision via a political squabble.' The applicant also considers that the second reason for refusal of planning permission (relating to the size of the rear gardens to nos. 3 and 5 Spalding Way) to be erroneous.
5. There is no reason for me to suppose that the Council determined the application other than in accordance with its democratic procedures. Whilst I note that the decision to refuse permission was against officer advice (and a disappointment to the applicant) this is something that the Council's Planning Committee has a right to do provided there is sufficient evidence to substantiate the decision.
6. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached it must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. Regarding the second reason for the refusal of

planning permission, whilst this was contrary to the planning officer's recommendation, I do not regard it as being unreasonable given the concerns raised by neighbouring occupiers in relation to loss of amenity space, loss of light, overlooking and noise disturbance.

7. In the overall planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other material considerations, the development proposed should reasonably have been refused. The refusal of planning permission therefore does not constitute unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG.
8. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had an opportunity to address those concerns and the evidence of third parties at the committee meeting in any event.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

C Coyne

INSPECTOR