



Costs Decision

Site visit made on 17 October 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Costs application in relation to Appeal Ref: APP/V0510/W/19/3234977 The Cherry Tree, 8 Duck Lane, Haddenham CB6 3UE

- 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 Punch Partnerships (PML) Limited for a full award of costs against East Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for erection of 2 no. detached dwellings (Use Class C3) on land adjacent to The Cherry Tree, utilising existing access, with associated 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. It states examples of unreasonable behaviour include (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) failure to produce evidence to substantiate each reason for refusal on appeal and (iii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. It will be seen from my decision that I have found harm related to the loss of a community facility and the impact associated with the loss of parking associated with the former public house and that this failed to accord with the development plan and any other material considerations. Consequently the Council has not acted unreasonably by preventing a proposal which should have clearly been permitted.
4. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the East Cambridgeshire Local Plan that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its Officer Report and appeal statement. The Officer Report demonstrates how the proposal would result in an unacceptable form of development as the report has made clear reference to the proposal's impact on the highway safety and the lack of evidence to demonstrate that the proposal would not impact on the viability of a community facility.

5. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR