



Costs Decision

Site visit made on 3 December 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Costs application in relation to Appeal Ref: APP/J0540/W/19/3230422 24 Peakirk Road, Glington, PE6 7LT

- 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 James Siggee for a full award of costs against Peterborough City Council.
 - The appeal was against the refusal of an application for planning permission for demolition of existing single-storey dwelling and erection of three single-storey dwellings.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Paragraph 030 of the National 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. Unreasonable behaviour can relate to procedural matters (ie the appeal process) or substantive matters (ie issues related to the planning merits of the appeal).
3. The applicant suggests that the Council has:
 - failed to substantiate its reasons for refusal (RfR) and that the RfR are not clear or concise, based on fact, or referenced to policy;
 - not justified why back-land development is not acceptable on the appeal site when such development has been accepted elsewhere in Glington and would meet a need; consequently, the Council has been inconsistent in its application of development plan policies;
 - accepted that the proposed development is acceptable in respect of space, amenity standards, highways and parking, waste collection and other matters outlined in the reasons for refusal;
 - acted unreasonably in not accepting the amended site plan, which could have avoided reasons for refusal 3 and 5, and
 - made contradictory comments, seeking to revise its reasons for refusal by suggesting in its statement that the character of the area is not spacious, as originally suggested, but is verdant.

4. For these reasons the applicant considers that the time spent preparing and submitting the appeal has resulted in unnecessary and wasted expense.
5. The Council acknowledges that RfR 3 and 5 have now been addressed via the amended site plan. I do not know the full details of any communications that may have occurred between the Council and the applicant regarding the amended plan. I consider it is likely that if the plan was available prior to determination of the application and the Council had accepted it, then RfRs 3 and 5 would not have been attached to the decision. However, the appellant's statement of case does not concern itself with RfRs 3 and 5 to any significant degree, from which I conclude that no significant time or expense has been incurred in the appeal process as a result of RfR 3 and 5 being attached to the decision.
6. The applicant evidently disagrees with the Council's interpretation of the area and assessment of the merits of the case. However, in each of the RfR, 1, 2 and 4, the Council states what it considers to be unacceptable about the development, what it considers to be the prevailing features of the area and which policies it considers the proposal does not accord with.
7. The Council provided an account of why it considers 'back-land' development would not be suitable on the appeal site. I do not know the details of other sites within the Glinton area where the Council has or has not accepted back-land development. However, it is highly possible that the Council could consider such development to be acceptable in some parts of the village and not in others, depending on the site-specific circumstances, rather than an inconsistency of policy application.
8. I acknowledge that the Council does accept that in many respects the proposed development is acceptable. However, it found that in other respects the proposal was not acceptable and refused the application for those reasons.
9. As is often the case with appeal statements, both parties tend to expand on matters relevant to their case. The Council has elaborated on certain aspects in its statement, but I do not consider it to have changed the RfR.
10. Based on the evidence before me, it is my view that the Council reached a judgement regarding the proposal, which it is entitled to do, considering it to harm the character and appearance of the area and the living conditions of existing occupiers, and as such concluded that the proposal did not accord with relevant development plan policies. Whilst my conclusion on one of the substantive issues differs to that of the Council, ie the effect of the proposed development on the living conditions of the existing occupiers of No 22a, in the circumstances of the case there is no evidence that the Council acted unreasonably to the extent that it resulted in unnecessary or wasted expense in the appeal process, as described in the PPG.

J Williamson
INSPECTOR