
Costs Decision

Site visit made on 8 January 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Costs application in relation to Appeal Ref: APP/V0510/W/19/3237572 51 Cannon Street, Little Downham CB6 2SS

- 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 Jason Constable for a full award of costs against East Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for 4no. 3 bed houses and refurbish existing 3 bed property on site with associated external amenity spaces, landscaping, parking and access arrangements.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant considers that the Council failed to suitably justify its decision to refuse planning permission, which was made contrary to officer recommendation and in the absence of any objections from statutory consultees. In doing so, they failed, the applicant considers, to have adequate regard to relevant material considerations, including a previous 2018 appeal decision¹ at the site.
4. I first note that the Council's Planning Committee was entitled to come to a different decision to that recommended to them by its officers. This would not be unreasonable, provided that the conclusions drawn were properly substantiated. The sole reason given for refusing planning permission was based on the Council's consideration that the scheme, most particularly the 3 dwellings intended to be located to the rear of the site, would have an urbanising impact in an edge of settlement location and cause harm to the character and appearance of the area.
5. Selected extracts from the previous 2018 appeal decision, which relates to a scheme totalling 7 dwellings, have been placed before me. These appear to acknowledge the potential for some form of development to be placed upon central/rear areas of the appeal site whilst being respectful of the countryside location and the existing grain of development. Nonetheless, these findings

¹ APP/V0150/W/17/3189530

must be considered alongside a more recent 2019 appeal decision² at the site relating to a 6 dwelling scheme where, in that particular case, it was found that the intended introduction of built development to the rear of the site's Cannon Street frontage would have an urbanising and harmful effect.

6. Although the 2019 appeal decision was not before the Council's Planning Committee when it came to its resolution to refuse planning permission, it is still material to the outcome of the appeal that is the subject of this application. Indeed, whilst each proposal must be considered on its own individual merits, the 2019 appeal decision finds harm in the context described above and thus assists in illustrating that, in this case, development was not prevented that should clearly have been permitted.
7. Notwithstanding my findings with respect to the planning appeal, I find that a satisfactorily substantiated and suitably precise reason for refusing planning permission was imposed by the Council. I also note that, within the reason for refusal that was given, conflicts were identified with relevant development plan policies.
8. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR

² APP/V0510/W/19/3233358