
Costs Decision

Site visit made on 14 August 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Costs application in relation to Appeal Ref: APP/H0520/W/20/3249852 Land adjacent to 24 Little Gransden Lane, Great Gransden SG19 3BA

- 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 & Mrs R Merrill for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of a detached dwelling-house and associated works.
-

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.
3. Paragraph 046 of the PPG states that awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
4. 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.
5. The appellant considers that the Council have behaved unreasonably insofar as they have failed to determine the application within the statutory time frame and did not request an extension of time. Although I accept that the Council informed the appellant that the application would be refused, from the evidence before me I see no reason for the failure to determine the application as being anything other than unreasonable.
6. The reasons for refusal set out in the Council's appeal statement are complete, precise, specific and relevant to the application. It also clearly states the adopted policies that the proposal would conflict with, in the view of the Council. Accordingly, I do not consider that the Council failed to reasonably evaluate the application. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

7. Since the Council found the principle of development to be unacceptable, it is unlikely that modifications to the scheme, which do not fundamentally alter the proposal subject of the application, could have been made that would have overcome the reasons for refusal. As such, it is likely that the appellant would have pursued an appeal in any event.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

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

R Sabu

INSPECTOR