
Costs Decision

Site visit made on 21 December 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15th February 2021

Costs application in relation to Appeal Ref: APP/Q0505/W/20/3258087 4 Moss Bank, Cambridge CB4 1UR

- 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 Powell for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal of planning permission for the change of use from a 4 person house in multiple occupation (C4 use) to an 8 person house in multiple occupation (Sui Generis).
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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 or wasted expense in the appeal process.
3. In this case the appellant argues that the Council acted unreasonably in refusing the application by failing to substantiate its reason for refusal and making only vague assertions that the property would provide unsatisfactory living conditions for residents. The Council delayed a development which should clearly have been permitted and caused the appellant unnecessary expense in having to pursue an appeal.
4. However, as explained in the main decision, contrary to the appellant's view, the Council's reason for refusal was well-founded and firmly based on the adopted policies of the Cambridge Local Plan 2018.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

David Reed

INSPECTOR