



---

## Costs Decision

Site visit made on 2 February 2021

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 February 2021**

---

### **Costs application in relation to Appeal Ref: APP/H0520/W/20/3259662 Land Adjacent The Coach House, Coppingford Road, Sawtry PE28 5XT**

- 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 Huntingdonshire District Council for a full award of costs against MJR Contracts Ltd.
  - The appeal was against the refusal of planning permission for erection of 5no. dwellinghouses with associated garages, parking, gardens and hard and soft landscaping.
- 

### **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. The PPG provides that appellants are at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. This may occur when the development is clearly not in accordance with the development plan, and no other material considerations are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
3. Section 38(6) of the Planning and Compulsory Purchase Act (2004) confirms that the development plan is the starting point for decision making. However, whether or not material considerations outweigh any conflict with the policies of the development plan is a matter of planning judgement.
4. The appellant's grounds of appeal do not ignore the relevant development plan policies, they simply interpret them differently to the Council. Indeed, my own assessment acknowledges that there is a degree of ambiguity in the development plan as to what is meant by limited and specific opportunities for development in the countryside and whether or not this includes small and windfall sites. Furthermore, in attempting to apply the policies, the appellant also referred to the National Planning Policy Framework in respect of other material considerations. In dismissing the appeal I have reached a different view to the appellants. However, for the reasons set out above, I am satisfied that the appellant has reasonably substantiated their case.

5. My attention has also been drawn to the aim in the costs regime to discourage unnecessary appeals by encouraging all parties to consider a revised planning application that meets reasonable local objections. However, given the appellant and the Council fundamentally disagreed on the appropriate interpretation of the policies of the development plan and the weight to be applied to other material considerations, I can understand why the appellant chose to make an appeal in this particular instance.
6. Overall, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

*M Russell*

INSPECTOR