
Costs Decision

Site visit made on 1 April 2021

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 24 May 2021.

Costs application in relation to Appeal Ref: APP/H0520/W/20/3262053 Land South of Hill Close, Brington, Cambridgeshire

- 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 Andrew Girvan, Campbell Melhuish and Buchanan Ltd for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission for the erection of 4 new bungalows and 2 new chalet bungalows, visitor parking, landscaping and associated works.
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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 contrary to the recommendation of its officers, delaying a development which should clearly be permitted, making vague, generalised and inaccurate assertions and by refusing a development which could be made acceptable by imposing suitable conditions. The Council therefore caused the appellant unnecessary expense in having to pursue an appeal.
4. However, a Council is not bound to follow the advice of its officers providing clear reasons for refusal are given and these are supported by substantive evidence. Two clear and unambiguous reasons were provided in this case and the supporting evidence was precise, specific and accurate.
5. As explained in the main decision, contrary to the appellant's views, the Council's first reason for refusal was well-founded and firmly based on the adopted policies of the Huntingdonshire Local Plan 2019. As the proposal is unacceptable in principle, it could not be made acceptable by the imposition of conditions.
6. Whilst the second reason for refusal was not upheld, in view of the difference in site levels it was not unreasonable for the case to be argued.
7. The appellant also claims that delays were caused as a result of an ineffective pre-application advice service but even if true this is not a matter that is

eligible for a potential award of costs. These can only be awarded in relation to the appeal process.

8. 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