



Costs Decision

Site visit made on 30 June 2021

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 12th July 2021

Costs application in relation to Appeal Ref: APP/D0515/W/20/3262885 Land adjacent to 32 Eastwood End, Wimblington, Cambs PE15 0QJ

- 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 Fenland District Council for a partial award of costs against Mr & Mrs B King.
 - The appeal was against the refusal of planning permission for the erection of a dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that 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. The Council's application seeks a partial award of costs, in respect of Refusal Reason No 1 (RR1) only. RR1 related to the effects of the development on the character and appearance of the area.
4. In three previous appeals, inspectors had found proposals for a dwelling on the site unacceptable, and in each case those decisions were arrived at, in part at least, because of the visual impact of those schemes on the character and appearance of the adjoining settlement and surrounding countryside. Had the present appeal concerned a proposal for a development of the same or similar size and design to those previous appeal schemes, then the prospects of success would have been very low, and in those circumstances, I agree that the pursuit of such an appeal might well have been unreasonable.
5. However, as the Council's costs application acknowledges, in the present appeal the scheme was reduced from two storeys to one. And in addition, a number of other significant changes were made, including changes to the shape, size, and siting, as identified in paragraphs 23 and 24 of my appeal decision. In the most recent of the previous appeals¹, the Inspector made it clear that it was the scale, bulk, height and siting of the proposal that were the critical factors that led him to his conclusion regarding the effects on character and appearance. But in the present appeal scheme, all of these aspects had changed. Indeed, for the reasons explained in the appeal decision, the

¹ APP/D0515/W/18/3201560, paragraph 16

changes made were sufficiently significant to lead me to conclude in the appellants' favour in that issue.

6. In the circumstances, it was not unreasonable for the appellants to seek to test the amended proposal through the appeal process. An award of costs is therefore not justified.

JS Felgate

INSPECTOR