



Costs Decision

Site visit made on 12 October 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Costs application in relation to Appeal Ref: APP/V0510/D/21/3276353 14 West Lodge Lane, Sutton, Ely, Cambridgeshire CB6 2NX

- 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 Karl Hogg for a full award of costs against East Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for a first-floor bedroom extension and ground floor battery store.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons for the Recommendation

3. The Planning Practice Guidance 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.
4. On substantive grounds, the applicant contends that the Council have prevented development which should clearly have been permitted as being in accordance with the development plan. I have come to the same conclusions as the Council and the appeal has been dismissed. Therefore, the Council have not behaved unreasonably in coming to their decision and having substantiated the planning reasons given for the refusal of the planning application against the relevant policies within the development plan and the supplementary planning document.
5. I note the frustration of the applicant in the way that the planning application was decided, including the presentation of a third-party representation to the planning committee and the lack of consensus within the committee when coming to a decision. However, the evidence before me is inconclusive as to whether the third-party representation had a significant impact on the outcome of the application. Furthermore, it is not unreasonable for Officers to discuss proposals before coming to a conclusion. Overall, I am not persuaded that the Council has acted unreasonably by preventing development that should have been permitted.

6. It is also contended that the Council have not determined similar cases in a consistent manner, with reference to a number of similar developments which were granted planning approval. I have discussed these developments in further detail within my decision, finding that they are not comparable to the appeal proposal and do not set a precedent. Therefore, it has not been demonstrated that the Council have determined similar cases in an inconsistent manner.
7. Whilst I note the costs incurred by the appellant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council as described in the Planning Practice Guidance. For this reason, an award for costs is not justified.

Conclusion and Recommendation

8. For the reasons given above and having had regard to all other matters raised, I recommend that an award of costs is refused.

Emma Grierson

APPEALS PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is refused.

B J Sims

INSPECTOR