



Costs Decision

Site visit made on 21 September 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2021

Costs application in relation to Appeal Ref: APP/W0530/W/21/3267791

Land to the North and South of Bartlow Road, Linton CB21 4LY

- 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 Abbey Developments Ltd for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against a failure to give notice within the prescribed period of a decision on an application in respect of details reserved by Condition 10 of Planning Permission S/1963/15/OL.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (the 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. Local Planning Authorities are encouraged, through the PPG, to exercise their development management responsibilities by relying only on reasons which stand up to scrutiny on the planning merits of the case.
3. In this instance, the Council did not issue a formal decision on the application. However, the appeal documentation submitted by the Council clearly outlines its concerns regarding the submitted material. As such, the Council's position was clearly explained.
4. Furthermore, the Council identified adopted relevant Development Plan policies that were pertinent to the consideration of such details and the specific approved development. As such, it was not unreasonable behaviour on the part of the Council in seeking to ensure that the permitted residential development complied with these policies.
5. I acknowledge concerns raised by the applicant regarding delays in determining the application for details reserved by condition, which ultimately lead to the current appeal. However, it is apparent from the submitted information that these delays were caused, in part, from the negotiation process and the need to secure appropriate specialist advice to the Council.
6. Furthermore, I am only able to allow the appeal following the submission of additional documentation submitted through the appeal process. Therefore, this information was not before the Council at the point when it could have formally determined the application. In consequence, had this information been

before the Council it may have reached a different decision. In result, this is not evidence of unreasonable behaviour.

7. The applicant has highlighted that the Council spent some time in considering representations raised by the local Parish Council. Whilst this added some delay to proceedings, I cannot find evidence of unreasonable behaviour on the part of the Council in wishing to fully consider all of the matters brought to its attention.
8. In consequence, there is no evidence that is indicative of the appellant being subjected to unreasonable or unnecessary costs in submitting the appeal against the non-determination of the application for details reserved by the condition.
9. In result, I cannot agree that the Council has acted unreasonably in this case. As such, I do not believe that the appellant was put to unnecessary or wasted expense. Therefore, an award of costs is not justified.

Conclusion

10. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred.

Benjamin Clarke

INSPECTOR