



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/21/3267781 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 5 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, although the Council did not issue a formal decision, the appeal documentation clearly explains the concerns that the Council has regarding the proposed landscaping strategy. In particular, the appeal documentation specifically outlines the planting which is considered unacceptable and the topographical reasons to support this view.
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 in respect of the submitted information.
6. I note concerns raised by the applicant regarding the fact that landscaping details have been approved under the separate, reserved matters, application. In addition, the evidence before me indicates that the requirements of the Reserved Matters process are different to the requirements of Condition 5 of the outline permission. However, as part of the appeal process before me I am

unable to consider whether this condition should have been imposed. In consequence, I am unable to find evidence of unreasonable behaviour on the part of the Council in taking a different stance in considering the landscaping scheme that is at the centre of this particular appeal.

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