
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/21/3269789 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 the refusal of details reserved by condition in respect of Condition 19(iii) 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's reason for refusal of details reserved by condition, clearly set out the reasons why the submitted details were considered unacceptable. In reaching this conclusion, the Council have referred me to adopted development plan policies that seek to ensure that the developments result in the appropriate investigation into matters pertaining to heritage assets. Archaeological remains can be categorised as non-designated heritage assets.
4. Moreover, the Council's evidence clearly identifies the area where more investigation is required. In result, the Council's approach was not unreasonable.
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.
6. Furthermore, I was 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. Thus, the refusal of the application 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. Accordingly, 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