
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/21/3271548 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 2 of Reserved Matters permission S/2501/19/RM.
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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 decision notice for the 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 have a positive effect upon the character and appearance of the surrounding area.
4. These concerns were expanded upon in the Council's Statement of Case which explored the reasons why the proposed palette of materials was considered unacceptable. Therefore, whilst the Council did not produce an officer report, I do not find that there has been a lack of reasoning regarding the Council's decision.
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.
6. 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.

7. 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.
8. 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

9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Benjamin Clarke

INSPECTOR