



Costs Decision

Site visit made on 20 September 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2021

Costs application in relation to Appeal Ref: APP/W0530/W/21/3271437 The Retreat, Fews Lane, Longstanton CB24 3DP

- 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 Daniel Fulton on behalf of Fews Lane Consortium Ltd, for a partial award of costs against Cambridgeshire County Council.
 - The appeal was against the refusal of planning permission for Erection of a chalet bungalow with garage and associated infrastructure.
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Decision

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

Procedural Matter

2. The application for costs is made by a third party, namely the Fews Lane Consortium Ltd (the Consortium), against Cambridgeshire County Council in their capacity as the Highway Authority.

Reasons

3. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
4. It is the Consortium's view that the County Council have failed to consider similar cases in a consistent manner, and that they have also failed to explain why its current view contradicts its view prior to 2014. The application has been supplemented by correspondence between the applicant and the County Council, which in the applicant's view, demonstrates a lack of co-operation, and that the County Council failed to provide relevant factual information or objective analysis, and failed to explain why they have deviated from well-established case law. Due to these concerns, the Consortium commissioned a Highway Safety assessment, the contents of which accompany this appeal. It is the costs of obtaining this evidence that the Consortium seeks.
5. As noted in my main decision, the history of the site is complex but planning permission does already exist for a new dwelling on the appeal site utilising the same access arrangements. Accordingly, from the County Council's perspective and in light of the recent history of the site, I am satisfied that this would have heavily influenced the responses provided. The context and history of a site

represents an important material consideration, and as identified in my main decision, it weighs very heavily in support of the proposal. Based on the evidence before me, I am satisfied that the County Council took a suitably proportionate and considered approach when responding to the original planning application consultation. Moreover, the history of the site presents a clear and obvious reason why their response may have differed from that presented for previous applications. In my judgement, it was not inappropriate for the County Council to take into account the history of the site and therefore, on this basis, I am satisfied that their behaviour was not unreasonable.

6. I note the frustration from the Consortium regarding their highway safety concerns. However, as identified in my decision, I am satisfied that the proposal would not have a harmful effect on highway safety. Moreover, due to the history of the site, I find that the County Council acted in a proportionate manner and have subsequently articulated their position more fully when requested.
7. Accordingly, I am satisfied that the County Council have suitably co-operated through the process, and that they have provided suitably objective analysis to substantiate their case in a manner that does not deviate from established case law. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

Martin Chandler

INSPECTOR