



Costs Decisions

Hearing Held on 21 October 2021

Site visit made on 21 October 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 06 January 2022

Appeal A - Costs application in relation to Appeal Ref:

APP/W0530/W/18/3202878

Land at Mill Lane, Sawston, CB22 3HY

- 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 South Cambridgeshire District Council for a partial award of costs against Moatside Properties Ltd.
 - The hearing was in connection with an appeal against the refusal of planning permission for 'residential development'.
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Appeal B - Costs application in relation to Appeal Ref:

APP/W0530/W/19/3224825

Land at Mill Lane, Sawston, CB22 3HY

- 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 South Cambridgeshire District Council for a partial award of costs against Moatside Properties Ltd.
 - The hearing was in connection with an appeal against the refusal of planning permission for 'residential development'.
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Decision

Appeal A Ref: APP/W0530/W/18/3202878

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

Appeal B Ref: APP/W0530/W/19/3224825

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

The submissions for South Cambridgeshire District Council

3. The application for costs was made verbally at the hearing. The applicant contends that the respondent acted unreasonably and delayed the hearing by failing to display the site notice in advance of the hearing. As a result, the hearing could not proceed on the 24 June 2021.
4. The applicant encountered additional time and cost in notifying the parties in writing of the cancelled hearing and its re-arranged date. There were wasted costs associated with the venue of the aborted hearing and the Council has had to seek a further venue to conduct the hearing within, which has had to be sourced externally.

The response by Moatside Properties Ltd

5. The respondent made oral submissions in response.
6. It is conceded that the respondent failed to display the necessary site notices advising of the hearing date in accordance with the requisite time frame. This was an unfortunate oversight, due to the changes to the procedural process for hearings to be undertaken digitally as a result of the Covid-19 pandemic. The duty to display the site notice would not usually rest with the respondent.
7. The cancelled hearing was due to proceed as a virtual hearing and therefore there was no wasted cost incurred by the applicant. A venue would have been needed in any event to host the hearing.

Reasons

8. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, 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.
9. The application for costs is made on a procedural basis. Whilst I acknowledge the respondent's non-compliance with procedural requirements, by failing to display the site notice in advance of the original hearing date, I note the extenuating circumstances that led to this error and to my mind, I am not satisfied that this amounts to unreasonable behaviour.
10. With regards to the wasted costs of the venue of the cancelled hearing, as this was due to take place by way of a digital virtual event hosted by the Planning Inspectorate, I am not satisfied that any wasted cost arose in this regard. Whilst the re-arranged hearing was conducted in-person rather than digitally, the requirement to provide an adequate venue reverted to the Council in accordance with procedural guidelines, and for similar reasons, I am not persuaded that any wasted expense has occurred.
11. Accordingly, I do not consider that unreasonable behaviour has been demonstrated nor that the respondent has caused unnecessary or wasted expense, as described in the Planning Practice Guidance. Therefore, an award of costs is not justified.

E Brownless

INSPECTOR