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## Costs Decision

Site visit made on 15 February 2022

**by John Felgate BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities**

**Decision date: 1<sup>st</sup> March 2022**

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### **Costs application in relation to Appeal Ref: APP/W0530/W/21/3282234 Land at St Peters Street, Caxton, Cambridgeshire CB23 3PS**

- 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 Messrs R and W Grain and Mrs E Reeve for a full award of costs against South Cambridgeshire District Council.
  - The appeal was against the refusal of planning permission for the erection of up to 9 self-build dwellings and associated garaging.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance advises that costs may only 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.
3. The appellants submit that the Council acknowledges a significant shortfall in provision for self-build and custom-build housing, but nevertheless sought to turn away the opportunity presented by the appeal scheme to help remedy that situation. In doing so, it is suggested that the Council also chose to disregard SCLP Policy S/12, which states that if policies or allocations are not being achieved, various mechanisms will be triggered, including action to bring forward sites for development, through partnership with landowners and developers.
4. Up to a point, I agree. There is no doubt that the Council was aware of the shortfall, and as far as I can tell, they appear to have taken little positive action to address that situation. That was clearly an unsatisfactory position, and indeed remains so. Policy S/12 is designed as a tool to help rectify any shortfalls in housing provision. To that extent it is conceivable, on the face of it, that bringing that policy into the discussion could have led the Council to reach a different decision. In my view however, that is largely a matter of speculation.
5. In reaching their decision on the application, the Council quite properly weighed up the need for the development against the conflicts with the SCLP's housing policies and the perceived impact on the character of the area. With regard to the need, the Council was clearly aware of its duty to provide sufficient self-build housing, under the 2015 Act, and took that duty into account. Bringing Policy S/12 into consideration would not have changed the

target that the Council had to meet, or the timescale, as these were already set by the legislation. Reference to Policy S/12 might possibly have focussed more attention onto SCLP Policy S/9, which relates specifically to self-build, but as that policy contains no overall target figure, it adds nothing in this case to the requirements of the 2015 Act. It is therefore difficult to see any concrete way in which Policy S/12 would have been likely to have changed the Council's view as to the relative weight to be given to the matters on either side of the planning balance.

6. Consequently, in my view, the lack of explicit consideration to Policy S/12 in this case should not logically have affected the Council's decision in any material way. It also follows from this that the lack of explicit consideration to that policy was not unreasonable; and that in any event, this did not have a bearing on the appellants' need to pursue their case to an appeal.
7. Evidently, in reaching their decision, the relative weightings that the Council gave to the various planning considerations, for and against, were different from those that I have come to in my decision on the appeal. But these were matters of planning judgement. The Council was entitled to its own view on those matters, and although I might disagree, that does not mean that the Council's judgements were unreasonable.
8. I conclude that it has not been demonstrated that unreasonable behaviour took place, causing the appellants unnecessary expense. The application for costs is therefore refused.

*J Felgate*

INSPECTOR