



Costs Decision

Site visit made on 23 March 2022

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Costs application in relation to Appeal Ref: APP/H0520/W/21/3281779 2 Grove Farm Close, Offord D'arcy PE19 5SY

- 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 and Mrs Simpson for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission for the change of use from paddock to garden & retention of outbuilding.
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Decision

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

Reasons

2. The Planning Practice Guidance (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. The PPG goes on to advise that unreasonable behaviour in the context of an application for an award of costs may be either procedural, or substantive.
3. In summary, the applicant's claim is on substantive grounds. It is alleged that the Council failed to properly consider the Local Plan when determining whether or not the site was located in the countryside, failed to explain the alleged 'significant' encroachment, did not substantiate their reasoning in a clear manner, and did not determine similar cases in a consistent manner. It is also alleged that the Council did not visit the site.
4. Guidance on whether or not a site lies in 'built up areas' for the purposes of the Local Plan is contained in paragraph 4.85. The Council defined the site as 'agricultural land' which the applicant claims was an erroneous statement and, in fact, the site constitutes a paddock. However, even if the Council had classified the site as a paddock, both agricultural land and paddocks are uses which the Local Plan indicates should be excluded from the built-up area definition.
5. However, to my mind the descriptions in paragraph 4.85 are not exhaustive and are for guidance purposes. As stated in paragraph 4.81, "*The fundamental purpose of defining the built-up area is to provide guidance on interpretation of the boundary to inform the answer to the question 'does a specific parcel of land situated on the periphery of a settlement relate more to the built environment of that settlement in its use, form, character and connectivity or does it relate more to the surrounding countryside?'*"

6. As a result, I am satisfied that the Council's contention with the scheme overall was that it related more to the countryside than it did to the built environment. They justified their decision sufficiently, even though I ultimately came to a different view.
7. I am aware of other developments nearby that appear to have been treated differently to the appeal proposal. However, I do not know the specific circumstances of those cases or the detailed characteristics of the sites and their relationship with their surroundings to determine that the Council have acted unreasonably in this case.
8. Finally, I cannot be certain that the Council did not visit the site prior to making their decision. However, even if they did not, it appears that they sought photographic evidence from the applicant to help them make their decision. Given the unprecedented challenges the Council were undoubtedly faced with due to the COVID-19 pandemic, I do not consider that this amounts to unreasonableness.

Conclusion

9. Taking all of the above into account, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case and that an award of costs is not justified.

Matthew Woodward

INSPECTOR