



Costs Decision

Site visit made on 12 July 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Costs application in relation to Appeal Ref: APP/W0530/W/22/3291675 Land to the Rear of 60 Impington Lane, Impington, Cambs CB24 9NJ

- 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 Ely Diocesan Board of Finance for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of the Council to planning permission for the construction of a three bedroom single storey dwelling including external works and parking together with the demolition of a single storey attached garage to No 60 Impington Lane to allow access.
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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.
3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by preventing or delaying development that should clearly be permitted, by failing to produce evidence to substantiate each reason for refusal at appeal, by making generalised or inaccurate assertions about a proposal's impact, or by acting contrary to well established case law.
4. In relation to the first reason for refusal, matters of design are subjective, and the Council's case was not an unreasonable one. Section 4 of the Council's appeal statement made an adequate case in relation to the siting, footprint and scale of the development in comparison to its plot, and consequently in relation to the character and appearance of the development in this location.
5. In relation to the second reason for refusal, a flood risk assessment and drainage strategy was provided by the appellant, which the Council's drainage engineer found acceptable. However, the Council also received information based on local knowledge from interested parties. In my view, those parties raised valid concerns in about surface water flood risk to adjoining land, which the Council were able to give weight to. Indeed, local concerns regarding local conditions do not directly conflict with advice from the drainage engineer.

6. Therefore, having found that the appeal should be dismissed, and that harm arises in relation to the Council's second reason for refusal, I do not find that the Council has unreasonably prevented or delayed development which should clearly be permitted. Neither do I find that the first reason for refusal was not supported by any objective analysis, or that there were not sufficient reasons for departing from expert evidence in relation to the second reason for refusal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Peter White

INSPECTOR