

Costs Decision

Hearing held on 31 August 2022

Site visit made on 1 September 2022

by Simon Warder BSc(Hons) MA (DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Costs application in relation to Appeal Ref: APP/Q0505/W/22/3298101 11 Queen Edith's Way, Cambridge CB1 7PH

- 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 GCR Camprop Eight Ltd for a partial award of costs against Cambridge City Council.
 - The hearing was in connection with an appeal against the refusal of the Council to grant planning permission for the erection of new buildings to provide 53 serviced apartments (sui generis) together with hard and soft landscaping, basement car parking spaces and associated infrastructure and works.
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Decision

1. The application is refused.

Reasons

2. For the avoidance of doubt, this decision is based on the revised scheme for 40 units as determined by the Council. Both the application for an award of costs and the Council's response were made in writing and so are not re-iterated here. The application was discussed at the hearing, but no new substantive points were raised. The application is for a partial award of costs based on the Council's unreasonable behaviour in pursuing the third reason for refusal.
 3. The Planning Practice Guidance 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.
 4. While the inclusion of the third reason for refusal was against clear officer advice, the planning committee was entitled to include it provided that it could be substantiated on proper planning grounds.
 5. Perhaps unsurprisingly, neither party has been able to cite directly relevant guidance on space standards for the form of occupation proposed. The Council's case relies on paragraph 130(f) of the National Planning Policy Framework and Policy 56(f), of the Cambridge Local Plan 2018 (LP) both of which seek to create places that are safe, inclusive and accessible. Framework paragraph 130 also refers to a high standard of amenity for future users. Although these policies are couched in general terms, they do support the aim of ensuring that places other than permanent housing should be well designed to meet the needs of their users.
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6. The Council's statement also refers to Policy 50 of the LP which deals with the size of permanent dwellings. It is not directly applicable to the appeal proposal, although it does provide some assistance, given that the units could be occupied for up to 90 days. That is considerably longer than would be expected in some forms of visitor accommodation and, therefore, merits proportionate attention to the effect of the size and function of the accommodation on the wellbeing of occupiers.
7. The units would be smaller than the size of even the smallest dwellings specified in Policy 50. Moreover, although the Design and Access Statement includes a layout for a typical unit, the application was lacking in detail on the internal layout of the units, the way they are intended to be occupied and the function of the communal areas and external spaces.
8. Therefore, notwithstanding that I have found that the proposal would not be harmful to the living conditions of future occupiers, the Council was not unreasonable to include this matter in the reasons for refusal. The Council's statement introduces concerns about light and ventilation which were not included in the reason for refusal. However, they simply supplement its primary concern about the size of the units and the facilities to be provided.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a partial award of costs is not justified.

Simon Warder

INSPECTOR