
Costs Decision

Site visit made on 12 July 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Costs application in relation to Appeal Ref: APP/C1570/W/21/3289634 Pond Mead, High Street, Widdington, CB11 3SB

- 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 A Knowles for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for 2No. new detached dwellings and associated works following demolition of the existing building.
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Decision

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

Reasons

2. Planning Practice Guidance (the 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 expenses in the appeal process.
3. The applicant states that the Council made its decision to refuse planning permission without adequate information. Specifically, this application for costs is concerned with the date that the Council determined that Pond Mead was a Non Designated Heritage Asset (NDHA). The concern is related to the Council's lack of information regarding the building's status despite the Council's previous involvement with proposals for the site.
4. These include previous schemes submitted from 2015 including the permission for its conversion and the refusal¹ for its redevelopment for housing. Officer's reports relating to each of these decisions did not reference its designation as a NDHA. Furthermore, nor did a pre application meeting in respect of the appealed scheme which is before me, although I understand that officers indicated that they would resist the loss of the building.
5. Additional reports, requested by the Council were supplied by the applicant following a site meeting in September 2020 during the application process incurring additional expense.
6. The Council state that during consideration of the most recent application which led to this appeal, officers visited the site in June 2021 and subsequently confirmed its designation as a NDHA.

¹ UTT/20/0313/FUL

7. The identification of NDHAs through the decision making process is recognised by the Guidance². I acknowledge that the archaeological and historic qualities which determine the identification of NDHAs can be hidden until a site visit is made during the determination of an application for planning permission. However, in this case the Council made several visits to the site over as many years before realising the importance of this building.
8. The Council identify that the building has aesthetic and archaeological value derived from the use of traditional building techniques and materials. However, this information was not included in the officer report nor in the Council's evidence for this appeal and only came to light in its response to this application for costs. However, the officer report is clear that the building was a NDHA although the report did not fully explore the reasons for its recent designation.
9. There have been inconsistencies in how the application process was managed which led to the building being designated as a NDHA. However, the appeal was lodged in full knowledge of its designation. Accordingly, the applicant has not incurred unnecessary and wasted expense in pursuing this appeal.
10. The Council has indicated that it does not maintain a local list of NDHAs. In the light of my concerns above, this should be reviewed.

Conclusions

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

Stephen Wilkinson

INSPECTOR

² Paragraph 40 Ref-ID 18a-040-20-190723