



Costs Decision

Site visit made on 8 November 2022

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2022

Costs application in relation to Appeal Ref: APP/Q0505/W/22/3290839 8 Kelsey Crescent, CAMBRIDGE, CB1 9XT

- 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 K & Mrs Z Ostani for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal planning permission for the erection of an ancillary annexe.
-

Decision

1. The application for 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. The applicants claim that the Council has failed to justify all its reasons for refusal and has relied on vague, generalised and inaccurate assertions which are not material planning considerations.
4. There is no published design guidance specific to the area in which the site is located. However, such detailed guidance is not a prerequisite to assess design. The Council has referred to Policies 55, 56 and 57 of the Cambridge Local Plan which are policies related to design. Furthermore, the National Planning Policy Framework contains Section 12 "Achieving Well-Designed Places". The consideration of design is therefore supported by both national and local planning policies.
5. Whilst I appreciate that Planning Officers recommended the application to be approved, it is part of the democratic process that members can make a decision contrary to their recommendation. Matters of design and living conditions are somewhat subjective matters and there is no basis in planning law to require that committee members are trained in these subjects.
6. The Council has provided clear reasons for refusal, being materials and detailing, specifically, "the deep white-white painted fascia and overhang". In its Summary Statement of Case, the Council has described the site and surrounding area and assessed the building within its context. It has specifically made reference to its height and design details. It goes on to assess the impact of the building on views from a neighbouring property. It has also

identified which parts of the property would be affected. Therefore, it does not solely rely on the objection letter from the neighbour in this respect.

7. Overall, the Council has substantiated its case by reference to the site, the details of the development, and to planning policies.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicants' claim for costs fails.

Siobhan Watson

INSPECTOR