
Costs Decision

Site visit made on 15 November 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

**Costs application in relation to Appeal Ref: APP/V0510/W/22/3300259
Land to the West of the Primary Road accessed between No. 2 and No. 4
Fordham Road, Isleham CB7 5QZ**

- 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 Ms Ruby Lord of Bloor Homes for a full award of costs against East Cambridge District Council.
 - The application Ref 21/01636/FUL, dated 12 November 2021, was refused by notice dated 8 April 2022.
 - The appeal was against the refusal of full planning permission for the erection of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations
4. The Appellant submits that the Council has acted unreasonably in that the committee has either failed to take into account their own design guide or chosen to not apply it consistently in its decision-making.
5. East Cambridgeshire District Council has a Design Guide Supplementary Planning Document (SPD) adopted March 2012 which sets out that the distance between rear inter-visible windows should be a minimum of 20 metres and requires the rear elevation of any dwelling to be located at least 10 metres from the rear boundary, which guide the design of dwellings and can protect privacy and overlooking.

6. The refusal notice was described on the basis of the effect on residential amenity. The committee minutes include a record that members were aware that the council officers considered the scheme to meet the requirements of the SPD. The minutes also provide detail that notwithstanding this, that members raised concern regarding the privacy between the appeal houses and existing houses.
7. The SPD sets out minimum standards which indicates they are not always sufficient for every scheme, so greater separation distances can be sought. In the planning judgement it appears to me that the minimum standards are acceptable in this instance, but the decision is a matter of judgement. It was not an unreasonable position for members to take a different view to council officers to determine that separation distances greater than the minimum in the SPD, were required at this location, or to seek an amended design to reduce the height of the new dwellings.
8. Accordingly, I do not consider that the refusal of planning permission constituted unreasonable behaviour so was not contrary to the basic guidance in the National Planning Policy Framework and the PPG. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.

Conclusion

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

S Crossen

INSPECTOR