



Costs Decision

Site visit made on 3 January 2023

by Diane Lewis BA(Hons) MCD MA LL M MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Costs application in relation to Appeal Ref: APP/W0530/W/21/3280931 The Arches, Schole Road, Willingham, Cambridgeshire CB24 5JD

- 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 Mrs Brown for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for removal of existing mobile chalet and erection of a single storey dwelling with link to existing brick and tile medical unit, with temporary provision for siting of two static caravans for occupation during construction phase.
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Decision

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

Reasons

2. The main points of the costs application are that the Council prevented or delayed development which should clearly be permitted. In doing so the Council objected to aspects of the proposal which an Inspector, and the courts, have previously indicated to be acceptable. Planning permission was refused where a suitable condition would enable the proposed development to go ahead.
3. The Planning Practice Guidance¹ 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. The Council's reason for refusal makes clear the proposal is contrary to the development plan and that the personal circumstances, as a consideration, did not justify a departure from policy. The Council further substantiated its decision through the assessment set out in the officer's report and in its appeal statement.
5. The permanent nature of the proposed dwelling distinguishes the current proposal from the previous development found acceptable by the Inspector. The planning history is important but not decisive, remembering that the main issues for consideration now are not the same. I have agreed with the Council that the proposal is contrary to the development plan but I have concluded the personal circumstances and other considerations are of sufficient weight to grant planning permission. The amount of weight is a matter for a decision

¹ Planning Practice Guidance Appeals: Advice on planning appeals and the award of costs.

maker and in this case the Council's conclusion on the planning balance is not unreasonable. The Council were not bound by the previous Inspector's decision to give a positive outcome for the applicant.

6. The proposed condition is not supported by national Planning Practice Guidance, which states that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. In this context the Council had good reason for not accepting the condition.
7. Therefore the Council did not prevent development unreasonably. Planning Practice Guidance advises that parties in planning appeals and other planning proceedings normally meet their own expenses. As no unreasonable behaviour has been found it follows that the appellant has not incurred unnecessary or wasted expense in the appeal process.

Conclusion

8. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Diane Lewis

Inspector