



Costs Decision

Site visit made on 9 February 2023

by Alec Hickey MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Costs application in relation to Appeal Ref: APP/W0530/W/22/3299270 Land east of Highfields Road, Highfields Caldecote, Cambridge

- 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 Miss Hanrah Short of Linden (Highfields Caldecote) LLP for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for up to 140 residential dwellings (including up to 40% affordable housing) removal of existing temporary agricultural structures and debris introduction of structural planting and landscaping informal public open space and children's play area community orchard and allotments surface water flood mitigation and attenuation vehicular access points from Highfields Road and associated ancillary works without complying with conditions attached to planning permission Ref S/3777/19/VC, dated 21 July 2020.
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Decision

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

Reasons

2. Advice over the award of planning appeal costs is set out in the Government's Planning Practice Guidance (PPG). It states the established premise that parties to an appeal normally meet their own costs. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be liable to an award of costs. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.
3. This costs application is based on the substantive ground that the Council Officers including statutory consultees, recommended that the application be allowed but that the Council Members took a different course of action. In doing so, Members failed to substantiate why the scheme was not policy compliant contrary to the statutory consultee comments and failed to take into account the purported benefits of the scheme boosting housing supply. It has also been argued that Members did not consider the proposal on its own merits but were influenced by irrelevant factors.
4. In this case, I have noted the recommendation of the Council's Officers, including comments by statutory consultees. However, the decision is one which is a matter of judgement. The Council Members, in this case, were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.

5. It is clear from the transcript of the Committee meeting provided to me that there was a clear discussion on the matters of the appeal, which are relevant factors. It will be seen from my decision that I agree with Council Members and that there were sufficient grounds for refusing the application as the disputed conditions are both necessary and reasonable. Additionally, as I have found within the associated appeal Decision, the appeal proposal would offer no additional benefits to those already approved. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.
6. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such, there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

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

A Hickey

INSPECTOR