



Costs Decision

Site visit made on 20 June 2023

by Ms Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Costs application in relation to Appeal Ref: APP/W0530/W/22/3305104 Bancroft Farm, Church Lane, Little Abington, Cambridge, CB21 6BQ

- 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 Executors of Christopher Nutt Deceased for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for the erection of five dwellings and the conversion of two redundant barns to form a detached dwelling and an office following the removal of dilapidated agricultural buildings and hardstandings.
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Decision

1. The application is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant considers that the Council unreasonably failed to properly apply development plan policy, unreasonably failed to properly apply heritage policy in the National Planning Policy Framework (the Framework) in its approach to heritage harm and unreasonably failed to give due weight to the reasonable advice of its own Conservation Officer or to provide cogent and compelling reasons for that departure.
4. The planning application was considered at the Council's planning committee on 9 February 2022. The application report recommended that the application be granted with conditions. Members of the Planning Committee reached a different conclusion and decided to refuse planning permission. This is not in itself unreasonable behaviour.
5. Within its reason for refusal the Council refers to the siting, scale and massing of the development significantly eroding the relatively undeveloped nature of the application site and its rural quality. The applicant considers it unreasonable to treat the relatively undeveloped nature of the application site and its rural quality as essential given its current overgrown and undeveloped state. Furthermore, the application report confirms that the appeal site does not form an essential part of the character of the site and the Parish Council accept that the site could be developed for six dwellings.
6. The Council in its deliberation of the application considered that the site should remain as is as it is an essential part of the local character. Furthermore, other parts of the Policy require that the scale, density and character of the

development is appropriate to the location, and it protects and enhances local features of historic importance.

7. Historic England raised no comments regarding the proposals and suggested that the views of the local specialist conservation officers be sought. The Committee had the advice of the planning officer and the conservation officer before them which together advised that the development was acceptable and would not harm the character of the conservation area or the setting of St Marys Church. However, the application report makes it clear that the advice from the planning officer was that the consideration of Plot 6 was finely balanced but not considered sufficiently harmful to warrant a refusal of the application. Although I have agreed with the Council in this respect, the Planning Committee were fully entitled to reach a different view and conclude that the house on Plot 6 would be harmful as outlined in the reason for refusal. Furthermore, that the Planning Committee considered the site in its current form contributes positively to the heritage assets is also not unreasonable being one of a matter of judgement.
8. The reasoning within the decision notice that is expanded in the Council's appeal statement provides compelling and cogent reasons for the reason for refusal including the impact of the house at Plot 6, due to its excessive scale and orientation, on the character and appearance of the conservation area, the existing street scene and the setting of St Marys Church. The case officer also notes that the development would impact on the existing character of the area. That the Committee considered that impact to be harmful is not unreasonable.
9. The appellant considers that as the Conservation Officer found that a previous similar scheme on the appeal site caused a minor level of less than substantial harm to the heritage assets, then the improvements made to the current scheme, means that even if harm was found it would be at an even lower level of less than substantial harm. It is clear from the Minutes of the meeting that the Committee had a debate regarding heritage harm and the balance with the public benefit. While there is nothing regarding the level of harm, there is no requirement within the Framework to allocate a level of harm within the overall less than substantial harm category.
10. I am therefore satisfied that although I have reached a different conclusion, the Council was not unreasonable in reaching the decision it did even bearing in mind the advice from professional officers. Furthermore, it provides clear and cogent reasons for departing from that advice within the reason for refusal and statement of case supported by relevant development plan policy.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, for the reasons given above, I refuse the application for an award of costs.

Zoe Raygen

INSPECTOR