



Costs Decision

Site visit made on 10 July 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

**Costs application in relation to Appeal A Ref: APP/V0510/C/22/3303870
and Appeal B Ref: APP/V0510/W/22/3303864**

Lazy Otter, Cambridge Road, Stretham, Ely CB6 3LU

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Miss Rita Walsh for a full award of costs against East Cambridgeshire District Council.
 - The appeal was against an enforcement notice alleging the unauthorised material change of use, consisting of the independent residential use of a public house.
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Decision

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

Reasons

2. Paragraph 030 of 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 appellant reiterates the arguments that the change of use had not occurred, that there was a misunderstanding when completing the application form and that no physical alterations have been made to the building. These matters are discussed in the appeal decision where I found that grounds (a), (b) and (c) of appeal A had failed and subsequently concluded that the change of use was contrary to development plan policies, thus appeals A and B were dismissed. Hence, it was not unreasonable behaviour for the Council to refuse the application or to issue the enforcement notice. The Council also defended its position with substantial evidence in the appeal process.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Chris Baxter

INSPECTOR