



Costs Decision

Hearing held on 25 July 2023

Site visit made on 25 July 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2023

Costs application in relation to Appeal Ref: APP/V0510/W/23/3317675 Land at Cambridge Road, Stretham, Cambridgeshire, CB6 3LW

- 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 East Cambridgeshire District Council for a partial award of costs against Long Term Land Limited.
 - The appeal was against the refusal of planning permission for erection of up to 19 Affordable Homes with associated access, parking and landscaping.
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Decision

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

The submissions for the Local Planning Authority

2. The costs application was submitted in writing

The response by Long Term Land Limited

3. The response was made orally at the hearing.

Reasons

4. 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.
5. Awards against appellants may be either procedural in regard to behaviour or substantive, and may include introducing fresh evidence at a late stage resulting in extra expense for preparatory work, that would not otherwise have arisen.
6. The Council considers that the appellant acted unreasonably in submitting additional evidence as part of the appeal scheme with additional amended layouts and technical information. The appellant set out that the information was already available to the Council and that as an illustrative scheme, it has evolved during the application process and the evidence was produced to respond to the reasons for refusal.
7. Furthermore, the appellant is permitted to add to the information they supplied with their application to the local planning authority when making an appeal, as long as this is disclosed through their statement of case.

8. In these circumstances it is not unreasonable for the appellant to seek to respond to the arguments put forward by the Council and to have these tested through the appeal process. The Council also had adequate opportunity to respond to this additional evidence and I do not conclude that the Council has incurred unnecessary expense in preparing and submitting evidence in support of their position nor additional costs occurred.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR