



Costs Decision

Site visit made on 1 November 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Costs application in relation to Appeal Ref: APP/D0515/W/23/3321503 La Chaumiere, Colletts Bridge Lane, Elm, Cambridgeshire, PE14 0EF

- 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 Fenland District Council for a full award of costs against Mr Darren Hyde.
- The appeal was against the refusal of planning permission for a dwelling including access and highways improvement works to create adopted turning head.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on substantive grounds.
3. The applicant's cost claim states that Mr Hyde acted unreasonably in that the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same site where an Inspector decided that the proposal was unacceptable, and circumstances have not materially changed in the intervening period.
4. Whilst I note the extensive planning history of the site, including several applications in recent years, the most recent previous appeal¹ was decided over 8 years ago. As such I do not consider this to be a recent appeal decision. Whilst the description of development for both schemes relate to the erection of a single dwelling on site, I have not been provided with the full details of the previous scheme. Consequently, I am unable to determine how similar the two proposals are.
5. I note that the relevant adopted local plan is consistent across both appeals. That said, there have been some discrepancies over the years on how the applicant has approached the site. Although I have not found in favour of Mr Hyde in my decision, it is not unreasonable for him to consider that changes to the appeal scheme, recent local planning decisions or emerging local plans would materially change the circumstances surrounding the proposal.

¹ Appeal Reference APP/D0515/W/14/3000564

6. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

K Allen

INSPECTOR