



Costs Decision

Site visit made on 23 April 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Costs application in relation to Appeal Ref: APP/H0520/W/23/3327184 16 Cock Close Road, Yaxley, Peterborough PE7 3HJ

- 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 Mr Razvan Ilie for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission described as change of use of land to part residential/part landscape buffer, with replacement garden fence.
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Decision

1. The application for the award of costs 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 Appellant seeks an award of costs against the Council on the basis that:
 - the Council did not continue the pre-determination exchanges to try to address matters;
 - took a contrary approach to the proposal from previous Officers; and
 - alternative planting species could have been conditioned.
4. They state that this amounted to unreasonable behaviour and resulted in these matters needing to be appealed.
5. The Council acted in accordance with its published procedures that state that they will not accept amendments to applications.
6. The planning history of the appeal site is noted. The previous refusal was upheld at appeal¹ and this decision is a material planning consideration in the determination of the current proposal. Whilst I note the evolution of the scheme from the dismissed appeal, nevertheless, the decision is one which is a matter of judgement. The Council were entitled not to accept the advice of previous Officers so long as a case could be made for the contrary view.
7. In this case, it will be seen from my decision that I agree that there were sufficient grounds for refusing planning permission. It follows that I am

¹ APP/H0520/W/22/3291679

satisfied that the Council has shown that it was able to substantiate its reason for refusal.

8. The Council offers a pre-application advice service. From the evidence before me the appellant did not engage in such service.
9. Whilst the Council could have conditioned the species of the proposed planting species, and protection for landscaping, this would not have overcome the fundamental concerns regarding the proposal. I have seen little evidence to show that the Council have been unhelpful or cooperative.

Conclusion

10. For the reasons outlined above, unreasonable behaviour leading to unnecessary costs at appeal has not been demonstrated. Therefore, an award of costs is not justified against the Council.

R Gee

INSPECTOR