



Costs Decision

Site visit made on 30 April 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2024

Costs application in relation to Appeal Ref: APP/H0520/W/23/3325833 Greenewable Park, Station Lane, Offord Cluny, Cambridgeshire PE19 5ZA

- 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 Graham Faldo (Stocks Away Ltd) for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission for the construction of new warehouse.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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's costs claim was made in writing. In summary, they consider that the respondent has failed to produce evidence to substantiate the reason for refusal, have not determined similar cases in a consistent manner and have relied upon vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. There has been no rebuttal to the costs application received from the respondent.
4. I have allowed the appeal for the reasons I have set out in my decision. However, of importance to my being able to reach that conclusion was the additional information that the applicant provided with their appeal. On the basis of what was available at the time planning permission was refused, I consider that only limited evidence had been provided as to what impact would be likely to arise and whether there were any mitigating factors in play. For example, the original Transport Statement (TS) did not attempt to quantify what the increase in Heavy Goods vehicles (HGVs) may be, referring only to accident data and to likely overall trip generation figures in the AM and PM peaks.
5. That the applicant chose to supplement their case demonstrates that it was indeed necessary to present a more robust case. In that context it was not unreasonable for the respondent to have come to the conclusion on the original information available that there may be harm to highway safety and to refuse planning permission on that basis. The respondent has not been vague in terms of what the impact could be, given the limitations of the public highway which they identified and that there would be an increase in HGV movements that had not been addressed in the TS.

6. The Highway Authority (HA) initially requested that a Transport Assessment (TA) be provided on 22 November 2022. They subsequently confirmed their position that a TA was required on 27 January 2023 and the Planning Officer asked on 30 January 2023 whether a TA would be submitted. Correspondence sent directly to the HA between that time and before the decision was made on 16 February 2023 has been provided, but nothing has been submitted to suggest that the Planning Officer was made aware that further work was underway at the time they put forward the application for determination.
7. I also do not consider there to be anything inherently inconsistent in the respondent's approach to the planning applications relating to the wider Greenewable site. Each application has increased the floorspace and thus required consideration relating to extra traffic generation. It does not appear that matters relating to HGVs were of concern at all in the assessment of the previous applications, but that does not make it unreasonable to determine that an assessment is required on a future application which would be almost certain to increase movements of such vehicles.
8. In conclusion, in the context of what was available at the time it made its decision, the Council substantiated its reason for refusal of the planning application and did not rely on vague, generalised or inaccurate assertions. It has also not been inconsistent in its approach to this proposed development, given that it would result in an additional uplift in floorspace on the wider Greenewable Park site and more HGV movements. There was no unreasonable behaviour, and the appeal could not have been avoided.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Graham Wraight

INSPECTOR