



Costs Decision

Inquiry Held on 6 & 8 August 2024

Site visit made on 6 & 8 August 2024

by R Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Costs application in relation to Appeal Ref: APP/Q0505/C/24/3342331 Land at Charter House, 62-68 Hills Road, Cambridge, Cambridgeshire CB2 1LA

- 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 Mr David Snaith, Unex Ltd, for a full award of costs against Cambridge City Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging Without planning permission and within the last 4 years, the unauthorised erection of a sculpture 'The Cambridge Don' as shown on Photograph 'A' on the Land (identified in blue on the attached plan) ("the unauthorised development").
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 030 of the Government's Planning Practice Guidance (PPG)¹ advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant's case may be summarised as follows:
 - a) The Council failed to carry out adequate investigation before issuing the notice. Had it done so, it would have concluded the statue was temporary and moveable, and not therefore a building.
 - b) It continued to advance a case that the statue was fixed to the ground and that it could or would not be moved in the future.
 - c) It has advanced a case that is wrong in law.
4. The appellant says that had the Council behaved reasonably the Inquiry would have been avoided.
5. I concluded in my main decision that it is possible for a structure to be moveable in one piece, and for it not to be fixed to the ground, but that it could still constitute a building, and amount to a building operation, and therefore development.

¹ Reference ID: 16-030-20140306

6. It was open to Council to find, as a matter of fact and degree, that the statue comprised operational development that would need planning permission. I conclude therefore that the Council's investigation was not inadequate or that it has advanced a case that is wrong in law.
7. Despite conceding the structure was not fixed to the ground, this factor was not determinative, nor did it mean the Council was compelled to change its stance regarding whether development had taken place.
8. I am not therefore persuaded that the appeal and Inquiry could otherwise have been avoided.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R Merrett

INSPECTOR