



Costs Decision

Site visit made on 9 October 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Costs application in relation to appeal ref. APP/Q0505/D/24/3349659

Land at 36 Grantchester Road, Newnham, Cambridge CB3 9ED

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Jackson for a full award of costs against Cambridge City Council.
 - The appeal was made against the refusal of planning permission for a single storey side and rear extension.
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Costs decision

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

Reasons for the costs decision

2. The Government's Planning Practice Guidance (the Guidance) advises that all parties in appeals are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. This application for costs has been considered on its merits in the light of the costs advice found within the Guidance, the appeal papers, the costs correspondence and all the relevant circumstances relating to the planning application and to the appeal. The parties are also referred to my appeal decision.
4. No commentary is actually offered by the parties to cross-reference the specific facts of the case to the Guidance. Unreasonable behaviour in the context of an application for an award of costs may be either procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal. This application for an award of costs is made primarily on a procedural basis.
5. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in an Inspector's consideration of whether or not costs should be awarded.
6. However, much of the appellant's stated frustration in the costs application relates to the Council's behaviour in response to the pre-application submission which does not form part of the statutory process of the planning application. The Council seems to acknowledge the inadequacy of the pre-application service it gave in this

particular case since it says this been resolved with the appellant outside the planning application process with a refund apparently being provided.

7. In any event, the Council cannot be bound by any advice it gives at the pre-application stage whether that be in the form of a written report or, in this case, oral advice that, as claimed by the appellant, suggested setting back the extension 150mm from the footway would be acceptable. The Council was entitled to assign the planning application to an officer who was not involved in the pre-application process. It is said that the officer did not visit the site. However, the application form (and later on the appeal form) confirmed that the appeal site could be viewed from public land. It was not therefore necessary to enter onto the appeal site to assess the proposed works, as I also found when determining the appeal. The Council's assessment of the proposal in the Householder Officer Report (HOR) demonstrated that appropriate attention had been paid to the site and its surroundings.
8. The appellant is critical of the Council for not entering into dialogue during the course of the application until the eve of the determination date and of the assigned officer for not contacting the officer who had handled the pre-application process. However, as the Council says, there is no statutory requirement for a local planning authority to contact applicants prior to the formal determination of an application. Councils are encouraged by the National Planning Policy Framework to make decisions on planning applications as quickly as possible and within statutory timescales. Having found that the scheme did not comply with the development plan, the Council was entitled to reach a decision on the target date. Even so, it evidently did contact the appellant the day before the decision was issued and a written response was sent to the appellant via email on the day the decision was issued. That email says the assigned officer discussed the application with the Area Team Leader and other officers within the team before the decision was issued. The decision was not made randomly. Judging from the phone call on 20 May 2024, the assigned officer was at least aware of the pre-application discussions.
9. The Council exercised its duty to determine the planning application in a reasonable manner. I find that there is therefore no procedural basis for an award of costs against the local planning authority.
10. Turning briefly to the issues arising from the merits of the appeal, the Council's reason for refusing planning permission did not lack substance or objectivity. The Council's HOR was supported by various planning facts with reference being made to relevant development plan policies. In my appeal decision, it will be seen that the reason for refusal stood up to scrutiny on the planning merits of the case. The Council's approach to the available facts did not fully match any of the types of behaviour listed in the Guidance that may give rise to a substantive award against a local planning authority.
11. This application for costs falls short of demonstrating that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has occurred. An award of costs is not therefore justified.

Andrew Dale

INSPECTOR