



Costs Decision

Site visit made on 29 November 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th December 2024

Costs application in relation to Appeal Ref: APP/H0520/W/24/3338112 Land at Church Lane, Hartford, Huntingdon, Cambs

- 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 Ely Diocesan Board of Finance for an award of costs against Huntingdonshire District Council.
- The appeal was against the refusal of planning permission for the erection of dwelling and alteration of access.

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. Unreasonable behaviour may be either procedural or substantive.
3. The applicant raises three grounds for the award of costs. Firstly, with reference to procedural matters, they contend that there was unreasonable delay in the processing of the planning application. It was submitted in March 2021 but not determined until August 2023. Planning officers gave favourable advice, but the application was refused.
4. It is unfortunate that there appears to have been a high turnover of staff and a lengthy timescale involved in determining the application. However, these delays pre-date the appeal process and it has not been demonstrated how they have resulted in unnecessary or wasted expense at the appeal stage. Moreover, officer advice is non-binding and can be subject to change. Therefore, I find that no award of costs is justified on the first ground.
5. Secondly, also with reference to procedural matters, the applicant contends that the Council introduced a new objection to the application only at the decision stage despite the lengthy process and several meetings and emails with officers. This concerned the third, fourth and fifth reasons for refusal relating to trees and living conditions, which necessitated the production of a specialist report at the appeal stage.
6. Again, it is unfortunate that this objection was not raised sooner. However, it was covered in the planning committee report and the applicant's agent addressed the committee, so the objection was known about before the decision was made. Nevertheless, it will be seen from my decision that I have

relied in part on the specialist report to reach a finding on this issue, which indicates that it was necessary to produce such assessment. Moreover, matters relating to trees and living conditions are based on planning judgment. Therefore, I find that no award of costs is justified on the second ground.

7. Finally, with reference to substantive matters, the applicant contends that the Council made vague, generalised, or inaccurate assertions about the proposal's impact, with particular criticism of the conservation officer's comments. The applicant notes that amendments were made to an earlier design, but these still met with objection from the conservation officer. They also contend that the conservation officer ignored paragraph 203 of the National Planning Policy Framework (NPPF) regarding the desirability of new development making a positive contribution to local character.
8. It will be seen from my appeal decision that I disagreed with the Council's position on heritage matters. However, this is a matter of planning judgment, and the Council was entitled to reach a different position provided this was set out clearly and precisely. I consider that the Council achieved this in the committee report and considered national policy on heritage matters even if NPPF paragraph 203 was not addressed specifically. It was thus necessary for the issue to be dealt with at appeal. Therefore, I find that no award of costs is justified on the third ground either.
9. In conclusion, there has been no unreasonable behaviour from the Council that has resulted in unnecessary or wasted expense in the appeal process. Therefore, no award of costs is made.

Tom Gilbert-Wooldridge

INSPECTOR