
Costs Decision

Site visit made on 19 November 2024

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2025

Costs application in relation to Appeal APP/W0530/C/23/3324256-58 & 60

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Mary Howe, Mr Billy Hancock, Miss Niamh Finlay Howe and Mr Anthony Finlay for a full award of costs against South Cambridgeshire District Council.
 - The appeal was against an enforcement notice alleging the material change of use to a mixed use of residential and dog rescue facility, and the erection of kennels.
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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 (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. In this case the costs sought are not the costs of making these appeals, but the costs associated with appeals against an earlier enforcement notice against the dog rescue facility use that was subsequently withdrawn. However, an application for an award of costs incurred when an enforcement notice under appeal is withdrawn should normally be made to the Planning Inspectorate within 4 weeks of the Inspectorate's notification of the withdrawal. Such an application, at this late stage, could only be accepted for consideration where it has been shown that there are good reasons for having made the application late.
4. I am only concerned with the appeals before me, and it has not been shown that the Council has behaved unreasonably leading to unnecessary or wasted expense in this appeal process. Accordingly an award of costs in respect of these appeals is not warranted.

Paul Dignan

INSPECTOR