



Costs Decision

Site visit made on 5 December 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Costs application in relation to Appeal Ref: APP/Q0505/W/24/3348170 36 Peverel Road, CAMBRIDGE, CB5 8RH

- 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 Cairns Didge UK Ltd for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal of the Council to grant planning permission for Erection of two dwellings and associated works.
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Decision

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

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this application. Insofar as is directly relevant to the application, there are no substantive changes and no parties have been prejudiced as a result.

Reasons

3. 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.
4. The PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. Furthermore, the PPG includes the failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis as possible examples of unreasonable behaviour.
5. The applicant suggests that the Council acted unreasonably by refusing the original application which they consider to be policy compliant without adequate reasoning and justification for their reasons for refusal. However, in my view, the reasons behind the Council's decision are clearly set out and a matter of judgement. The reasons for refusing the scheme were set out fully and were not vague or generalised and did not make inaccurate assertions. Evidence to substantiate the reasons for refusal was provided and was supported by objective analysis.

6. I accept that the applicant is frustrated that they sought to engage with the Council in a positive manner and do not feel their efforts were reciprocated. I note that the applicant believed their application would be determined at committee and were disappointed that, due to time constraints, the application was deferred and then determined under delegated powers. However, the evidence before me is clear that the conditions for determination in this way were met.
7. I note that the decision notice for this scheme included refusal reasons which were not detailed as part of previous applications on the site. However, each case must be treated on its own merits and though the previous schemes were similar, they were not identical. In this instance additional concerns were identified which the Council subsequently, and prior to the appeal process, raised with the applicant. Additionally, had the reasons the applicant considers additional been excluded the application would have been refused for a number of other reasons, as such, the appeal could not have been avoided.
8. The Council has clearly set out their reasons for refusing the application using evidence and fact to substantiate these reasons and have reached a judgement in the way they are entitled to. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

L J O'Brien

INSPECTOR