



Costs Decision

Site visit made on 24 December 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Costs application in relation to Appeal Ref: APP/H0520/W/24/3345406 The Old Union Holiday Home, Old Church Lane, Colne, Cambridgeshire PE28 3NE

- 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 Mr Kevin Pickering for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the subdivision of plot and change of use from holiday let to residential dwelling (Use Class C3(a)).
-

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. Unreasonable behaviour on the part of a local planning authority may 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The application is made essentially on the basis that the Council introduced irrelevant policies and were uncooperative through the application process. The Council did engage with the appellant given that they asked for further information regarding the occupancy figures of the existing holiday let.
5. I have found the appeal scheme to not be in the open countryside and consequently to be compliant with the development plan. However, this was a matter of planning judgement.
6. The Council has set out its reasoning for reaching a different conclusion which resulted in the introduction of Policies LP23 and LP33 given their judgement that LP10 (The Countryside) was relevant to the appeal. The Council acknowledge that LP22 is not directly relevant but that it was referred to in the context of LP23 and occupancy figures. The Council have explained their reasoning for requesting the occupancy figures in this context and did not refer to LP22 in its reason for refusal.

Consequently, the Council have not behaved unreasonably in their assessment of the application.

Conclusion

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted

B Astley-Serougi

INSPECTOR