



Costs Decision

Inquiry held on 1 April 2025

Site visit made on 1 April 2025

by **Diane Lewis** BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2025

Costs application in relation to Appeal Ref: APP/W0530/W/22/3308444 Land to the South of Chear Fen Boat Club, Twenty Pence Road, Cottenham, Cambridgeshire.

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Drew Price and Mr James Ball for a partial award of costs against South Cambridgeshire District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for a material change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use.
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DECISION

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

REASONS

The costs application

2. The costs application, the Council's response and the appellants' final response were submitted in writing. The responses were supported by comments from highway witnesses and related additional information.
3. In summary, the appellants seek a partial award of costs in respect of the reasons for refusal related to highways matters and potential amenity impact from the nearby quarry. The appellants considered the reasons were vague, generalised or inaccurate assertions about a proposal's impact, unsupported by any objective analysis.

Reasons

4. 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.

Highways matters

5. The first sentence of the reason for refusal states "The proposed development would lead to the creation of an access on a stretch of classified highway where the principal function is that of carrying traffic freely and safely between centres of

population". The wording of the reason does not state "new access"¹ but even so "creation" means the same. In essence, the appellants maintain the Council was never in a position to substantiate this inaccurate assertion and hence the Council behaved unreasonably. The Council maintain the detailed consultation response showed objective analysis and the proposed intensification justified the need for the planning application to be supported by highway information.

6. The planning application form stated the existing use of the site was for the stationing of two mobile homes for residential purposes and that no new or altered vehicular access was proposed to or from the public highway. Subsequent photographic information shows the access had existed for many years. An error was made by the highway authority in their consultation response and by the local planning authority in the wording of the reason for refusal. The wording was not consistent with the officer report that stated the site was served by an existing access and where the summary of the highways consultation referred to the proposal leading to intensification of the existing access.
7. The appellants accepted the use of the land as a nine pitch caravan site amounted to development in the form of a material change of use. Even if there was a lawful use for the stationing of mobile homes (which has not been confirmed through a lawful development certificate) there still would be a need to demonstrate the access was safe for the proposed use and policy criteria were met. This was eventually done through the appeal process, when a highways proof of evidence and appendices were submitted on 3 February 2025. This led to an agreed statement of common ground dated 6 March 2025 and the prompt withdrawal of the highways reason for refusal.
8. In context, the inaccuracy in the wording of the reason for refusal was not unreasonable behaviour. A transport report was necessary to support the proposed material change of use, even on the appellants' case of intensification. The appellants did not incur unnecessary expense in relation to the highways reason for refusal.

Amenity

9. The site is located adjacent to Mitchell Hill Quarry where sand and gravel extraction is taking place. The reason for refusal is specific by citing the relevant development plan policy and paragraph of the National Planning Policy Framework and in identifying dust and noise as the primary concerns. It is for the appellants to demonstrate acceptable living conditions for the site residents, not for the local planning authority or the minerals planning authority to do so.
10. The planning permission for the quarry is subject to conditions to control noise and dust from the workings but as explained in the Council's evidence these conditions do not include any protection of the amenity of any occupiers of the appeal site. At the time of the quarry application the minerals planning authority understood the appeal site was not occupied and was not considered to be in residential use. In my consideration of the proposal, the noise assessment submitted by the appellants was necessary to demonstrate an acceptable acoustic environment on-site. I concluded a detailed dust assessment was not required, primarily in view of the environmental information submitted with the quarry application and which was

¹ Appellants' costs application paragraph 12

included in the appellants' evidence. This conclusion was a matter of judgement and does not indicate any unreasonable behaviour by the Council.

11. The reason for refusal related to amenity impact was well-founded on the consultation response from the County Council's Minerals and Waste Team and prevailing planning policy. The wording of the reason does not indicate any unreasonable behaviour.

Conclusion

12. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

Diane Lewis

Inspector