



Costs Decision

Site visit made on 28 July 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Costs application in relation to Appeal Ref: APP/J0540/W/25/3364814 1574 Lincoln Road, Peterborough PE6 7HH

- 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 Adrian Smith for a full award of costs against Peterborough City Council.
 - The appeal was against the refusal of outline planning permission for a proposed 3no. bedroom bungalow with access, layout and scale secured and all other matters reserved (appearance and landscaping).
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Decision

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

Reasons

2. Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, 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. The applicant's case for seeking an award of costs centres on their concern that the local planning authority found the appeal site to be in the *open* (my emphasis) countryside, which the applicant considers is not the case, and therefore they consider the refusal is not warranted.
4. While the decision notice refers to *open* countryside, the reason for refusal makes clear that the site lies outside of any identified settlement boundary, identifying conflict with Policy LP2, amongst other policies. The officer report makes reference to Policy LP2 of the Peterborough Local Plan (2019). This policy sets out that land falling outside of village envelopes and the Peterborough Urban Area Boundary is defined as countryside. It does not therefore make a material difference to the assessment of the proposal whether it is 'open' or not for the purposes of Policy LP2. As the application site falls outside of a defined settlement boundary, the site is considered as countryside for planning policy purposes under Policy LP2. The Council were therefore correct in assessing the proposal against this policy where the Council found the proposal did not accord with any of the exceptions set out in the policy itself.
5. The Council were not unreasonable in coming to their decision and sound planning reasons were given for the refusal of the planning application against the relevant policies within the development plan.

Conclusion

6. For the reasons above, whilst I note the costs incurred by the appellant, I find that it has not been demonstrated that these have resulted from unreasonable behaviour on behalf of the Council. Therefore, the application for an award of costs is refused.

T Bennett

INSPECTOR