



Costs Decision

Site visit made on 22 July 2025

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Costs application in relation to Appeal Ref: APP/Q0505/W/25/3363191

51 Cromwell Road, Cambridge, CB1 3EB

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Barry Tiffen for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal of planning permission for the change of use of detached residential outbuilding and land to a dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance 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.

The application

3. In refusing the application, the council has failed to take a consistent approach to decision making in respect of the subdivision of plots in this area. The decision taken contradicts the examples given e.g. 29 Cromwell Road, 150 Coldhams Lane and 64 Cromwell Road. The council has also failed to give sufficient weight to the principles and precedent established by the recent appeal decision relating to 64 Cromwell Road reference APP/Q0505/W/24/3342214.
4. The council has failed to fully engage with the fact that the proposal represents the reuse of an existing building with limited physical changes and that the change in character that would arise from use as a single person dwelling would be minimal. Planning permission could have been granted and no appeal would have been necessary.
5. In addition, the council has failed to properly address the points raised in the appellant's appeal statement and has also misconstrued some of the case presented. This has led to unnecessary time being spent on a final comments document for further clarification to be provided. A full award of costs is justified.

Rebuttal

6. There has been no response from the council.

Conclusion

7. It will have been seen from my substantive decision on the appeal that I have not accepted the council's case. That does not, of course, necessarily lead to an order for costs
8. In this case the council presented reasons that were arguable, with a degree of substantiation based on policies in its development plan. As far as consistency of approach is concerned, each case must be dealt with on its merits, and it is unusual for there to be very similar circumstances that lead clearly to a similar outcome.
9. The fact that the building in this case is existing does not necessarily lead to a particular outcome. The case was one of change of use, and there are material considerations that differentiate an outbuilding in a residential curtilage to a building on a separate curtilage providing a dwelling for a separate household.
10. The council could not have taken account of the applicant's appeal statement at the time it made a decision on the application before it.
11. For these reasons I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Terrence Kemmann-Lane

INSPECTOR