



Costs Decisions

Site visit made on 8 July 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Costs Application in relation to Appeal A Ref: APP/V0510/W/24/3357194

Land to East of 38 and 38a Chapel Lane, Wicken, Ely, Cambs CB7 5XZ

- 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 Christian Cooper of James Development Company Limited for a full award of costs against East Cambridgeshire District Council.
 - The appeal was against the refusal of planning permission for Erection of 2 Three-Bedroom Semi-Detached Bungalows with Off-Street Parking and associated landscaping.
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Costs Application in relation to Appeal B Ref: APP/V0510/W/25/3363980

Land to East of 38 and 38a Chapel Lane, Wicken, Ely, Cambs CB7 5XZ

- 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 Christian Cooper of James Development Company Limited for a full award of costs against East Cambridgeshire 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 Erection of 2 Detached Four Bedroom Homes with Garages, off-street parking and associated landscaping.
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Costs Application in relation to Appeal C Ref: APP/V0510/W/25/3365248

Land to East of 38 and 38a Chapel Lane, Wicken, Ely, Cambs CB7 5XZ

- 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 Christian Cooper of James Development Company Limited for a full award of costs against East Cambridgeshire 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 Erection of 1 Detached Five-Bedroom Home with Attached Garage, off-street parking and associated landscaping.
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Decisions

1. All applications for an award of costs are 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. Importantly, the PPG makes clear that a party applying for costs must provide a clear and convincing justification that any alleged unreasonable behaviour has led to such expense.

3. In respect of Appeals B and C, the applications for costs are made on the basis that the Council failed to determine the planning applications within the statutory timescales, and that the applicant considered the proposal acceptable based on recent appeal decisions in the area.
4. Whilst such a failure may, in certain circumstances, amount to unreasonable behaviour, limited substantive evidence has been provided in this case to demonstrate that the delay resulted in unnecessary or wasted expense. The appeals turned on matters of planning judgement, including the principle of development, character and appearance, and biodiversity, which were reasonably contested by the Council. The Council's position was clearly articulated and based on sound planning reasons.
5. In respect of Appeal A, the applicant contends that the Council acted unreasonably by refusing planning permission contrary to recent appeal decisions and by failing to engage in discussions to resolve subsidiary matters. However, the Council's decision was based on a proper assessment of the development against the adopted development plan, including Policy GROWTH 2, which it considered to be up-to-date and to carry full weight. The issues raised in the appeal were matters of planning judgement, and although I have ultimately disagreed with the Council's conclusions in the accompanying appeal decisions, this does not amount to unreasonable behaviour.
6. Furthermore, even if some procedural shortcomings were identified, the applicant has not provided a clear and convincing justification that these resulted in unnecessary or wasted expense in the appeal process. The appeals involved finely balanced planning considerations, and the Council's decisions (and likely decisions in the case of the non-determination appeals) were well-founded and based on reasonable planning grounds.
7. For these reasons, I find no compelling evidence in any of the three cases that the Council's unreasonable behaviour has resulted in unnecessary or wasted expense in the appeal process. The conditions for an award of costs have therefore not been met.

Conclusion

8. The applications for an award of costs in relation to Appeals A, B and C are refused.

P Storey

INSPECTOR