



Costs Decision

Site visit made on 19 August 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Costs application in relation to Appeal Ref: APP/H0520/W/24/3352681

7 Marina View Mill Road, Buckden, St Neots PE19 5QS

- 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 Ms S McDougall for a full award of costs against Huntingdonshire District Council.
 - The appeal was against the refusal of planning permission for side extension, new decking/fence, alterations to windows and additional windows & roof lights, new pv panels without complying with condition 1, attached to planning permission Ref 16/00657/FUL.
-

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. The applicant sets out that the Council has behaved unreasonably as they took an unreasonable amount of time to deal with the application, and it was unnecessary to keep revising drawings which resulted in associated costs of solicitors and surveyors for the application. They highlight that the Council has refused to engage, forced them to take the matter to appeal, and did not reverse the decision.
4. The evidence before me highlights that initially there was engagement between the applicant and Council, along with the Environment Agency (EA) to overcome the flood risk concerns. The applicant would have been within their rights to refuse to submit amended drawings and information, if they wished the application to be determined as submitted.
5. The Council took a significant period of time to determine the application which I fully acknowledge has been frustrating for the applicant. Whilst the applicant would have been able to appeal for non-determination, in the first instance the Council should be determining planning applications in a timely manner. In part the delay in determining the application was due to the nature of the proposal (and involvement of the EA), staff changes and sickness. However, from 2022 it appears that there was very little, if any, communication from the Council. Thus, I find that the considerable length of time the Council took to determine the application was unreasonable.

6. However, for an award of costs to succeed, two parts of the test have to be met – unreasonable behaviour that also results in unnecessary or wasted expense. The EA letter dated 6 September 2024 acknowledges that there was a response outstanding from the EA, and they apologise for the oversight. This letter recognises that the EA had not fully responded to the Council's request for further confirmation. The EA have confirmed that they have no objections to the development but unfortunately for reasons set out in my appeal decision I have found in favour with the Council's case.
7. The Council's decision was based on concerns which had been raised by the EA. The EA's updated response (which clarified matters requested by the case officer) was received after the Council had issued their decision. Thus, the Council made a planning judgement based on statutory advice at the time of the decision and did not act unreasonably. Furthermore, given that I have dismissed the appeal, even if the Council determined the application in a timelier manner that would have not necessarily avoided the submission of the appeal. Accordingly, whilst the Council's behaviour was unreasonable, it did not result in the applicant incurring unnecessary or wasted expense.
8. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

L Wilson

INSPECTOR