
Costs Decision

Site visit made on 8 September 2025

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Costs application in relation to Appeal Ref: APP/Q0505/W/25/3367256

1 Stansgate Avenue, Cambridge, CB2 0QZ

- 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 J Miah for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal by the Council of planning permission for erection of addition to 1 Stansgate Avenue and use of new building for 1 x 1 bedroom and 1 x 2 bedroom dwellings.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) states that parties in planning appeals normally meet their own expenses but that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. Awards against a local planning authority may either be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. This application makes a case for both a procedural and a substantive award of costs.
3. The PPG gives examples of the types of behaviour that may give rise to a procedural award against the Council¹. These include a lack of cooperation with the other party, cited in this costs application as the Council's failure to entertain further discussion over addressing its pre-decision concerns through either scheme revisions or conditions. Based on my appeal decision, there was clearly scope for an extension of time to permit further negotiation so as to potentially avoid an appeal. I agree this was an unreasonable lack of cooperation from the Council.
4. I have considered the examples given in PPG paragraph 49² of the types of behaviour which may give rise to a substantive costs award against the Council. The part of the first refusal reason relating to the proposal causing an unacceptable loss of privacy to the back garden of 1 Stansgate Avenue lacks adequate substance, given the resulting situation would be similar to the other houses in this street.
5. Concerning the gardens proposed for the new dwellings, the Council has no adopted size standards. Both new dwellings would have directly accessible

¹ Paragraph 047 Reference ID: 16-047-20140306 Revision date: 06 03 2014

² Paragraph 049 Reference ID: 16-049-20140306 Revision date: 06 03 2014

gardens of a reasonable size relative to their bedroom numbers. The Council's case over useability of these spaces is entirely unconvincing. Had this been a matter of such harm, then the small satellite garden for Unit 1b could have been removed to give the No 1a, family sized dwelling a larger, square shaped garden. As it stands, the Council has not demonstrated how the proposed arrangements create any actual degree of planning harm.

6. Regarding the second reason for refusal, this relates to matters involving little or no harm. Even if the double cycle store for No 1a was too narrow to meet adopted standards, this seems a very small level of harm to weigh in the balance. In any event, this might have been addressed by minor amendments or a planning condition. Similarly, with waste bin storage, the arrangements proposed do not seem especially inconvenient as to be harmful. Again, this seems to be a matter that could have been addressed by further details, either negotiated or left to a planning condition.
7. Regarding the third reason for refusal, the proposal would not directly affect any surrounding trees. The trees would overshadow the secondary area of garden allocated for No 1b, but not its principal space directly outside the kitchen/living room. Only part of the garden to No 1a would be over-shadowed by trees. Otherwise, sweeping leaves up in the autumn seems a normal part of suburban living and a minor price to pay for the amenities provided. The potential harm over this proposal leading to pressure for tree works is overstated by the Council.
8. The refusal reasons lack adequate substantiation, overstate the level of resulting harm and rely on matters capable of being dealt with by minor amendments or conditions. The applicant provides details of the Council not determining this case consistently with another, including over allowing for amendments or leaving minor matters to control by condition. In making its decision, the Council had not carried out any balance over whether the benefits of the proposal might outweigh the harms found. In such a context, this costs application makes a reasonable case for a substantive award. This is due to the Council preventing a development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The appeal decision is affirmative of such a conclusion. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cambridge City Council shall pay to Mr J Miah, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Cambridge City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Jonathan Price

INSPECTOR