



Costs Decision

Hearing held on 10 September 2025

Site visit made on 10 September 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Costs application in relation to Appeal Ref: APP/Q0505/W/25/3365274

21 Hobson Street, Cambridge CB1 1NL

- 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 SSSH Redevelopment Partners for a full award of costs against Cambridge City Council.
 - The appeal was against the refusal of planning permission for: Redevelopment of site involving: 1. demolition of existing buildings except for 16 – 17 and 18 - 19 Sidney Street façades, 16 – 17 street facing roof aspect and chimneys; and 2. provision of: - no. replacement retail units totalling 882m² (use class E (a) (b) (c) & (e)); - 4,107m² of office space (use class E (g) (i) & (ii)); and - 349m² of community space (use classes F1 and F2); 3. new shopfront to 16 – 17 Sidney Street and alterations to roof and northern chimney; and 4. public realm enhancement works.
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Decision

1. The application for a full award of costs is refused. However, a partial award of costs is granted in the terms set out below.

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. Paragraph 47 of the PPG sets out that local planning authorities are required to behave reasonably in relation to procedural matters at the appeal, for example by complying with the requirements and deadlines of the process. Examples of unreasonable behaviour which may result in an award of costs include: a lack of co-operation with the other party; only supplying relevant information at appeal when it was previously requested, but not provided, at application stage; not agreeing a statement of common ground in a timely manner or not agreeing factual matters common to witnesses of both principal parties; providing information that is shown to be manifestly inaccurate or untrue; or deliberately concealing relevant evidence at planning application stage or at a subsequent appeal.
4. Paragraph 49 of the PPG makes clear that local planning authorities are at risk of a substantive award of costs if they prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acting contrary to, or not following well-established case law; not

determining similar cases in a consistent manner; if they refuse to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal; or, not reviewing their case promptly following the lodging of an appeal.

'In Principle' Objection

5. The first element of the applicant's costs application relates to the Council setting out an 'in principle objection' to the loss of the non-designated heritage asset of 21 Hobson Street. There are several instances of this phrase included in the Committee Report and I understand it was also relayed to Council Members as part of the Committee Presentation by officers. There appears to be no policy basis for such a stance. Both Policy 62 of the Cambridge Local Plan (2018) (the LP) and the National Planning Policy Framework (the Framework) require an application affecting a non-designated heritage asset to be subject to a balanced judgment, having regard to the scale of any harm or loss and the significance of the heritage asset.
6. As such the Council has failed to provide evidence to substantiate the reason for refusal with regard to the loss of the non-designated heritage asset of 21 Hobson Street. This amounts to unreasonable behaviour as set out at paragraph 49 of the PPG and has put the applicant to unnecessary expense in seeking to overcome this matter at appeal.

Refusal to Agree Viewpoints

7. The second strand to the applicant's costs application is entitled '*Refusal to Agree Viewpoints*'. On this issue, the applicant argues that the Council essentially agreed the range of views from which the impact of its scheme should be assessed, only to later include the lack of analysis from other views as part of the fourth reason for refusal, having never asked for those further views to be assessed.
8. Paragraph F.48 of Appendix F of the LP sets out the likely process for agreeing key views, but this is not prescriptive and does not bind either party to specific actions. It is unclear from the evidence available to me, what was specifically 'agreed' between the parties at the pre-application stage. The email from an officer of the Council includes the phrase 'fixed as agreed' however this does not include an attachment of any plan identifying specific views and, moreover, appears to be a section of copied text from another email between different parties.
9. Furthermore, I would note that the onus is principally on an applicant to provide appropriate information in support of their proposal as part of a planning application¹. This is reflected in Policy 60 of the LP which sets out the numerous requirements that the applicant must demonstrate as part of their submission. Appendix F states that '*Local views must be considered on a case-by case basis as part of the pre-application process*'.
10. It is clear from the evidence that there was discussion between the parties over verified views and that these were considered as part of the pre-application

¹ section 62(3) of the Town and Country Planning Act 1990 (as amended).

discussion between the parties. On the evidence available I am therefore unable to conclude that the Council has demonstrated unreasonable behaviour in this regard.

No Request for Missing Viewpoints

11. The appellant also asserts that the Council failed to request additional viewpoints during the course of the application, only to cite the lack of such viewpoints as part of the reasons for refusal. The Council states that it informed the appellants at a meeting on 31 July 2024 of the need to consider the proposal from additional viewpoints, including from the Registered Park and Garden of Christ's College (the RPG). The Council additionally highlights that the comments received from the Gardens Trust requesting such an analysis had been received earlier on 31 May 2024 and were publicly available to view. However, the applicant argues that the need to provide the viewpoints was not discussed at the meetings and that this is evidenced by the delay in the appellant contacting Historic England (15 days) and the Gardens Trust (20 days) after the meeting.
12. That the applicant did not contact the statutory bodies straight away is not convincing evidence that the need for additional viewpoints was not discussed verbally at the 31 July meeting. Moreover, it is clear that the 'holding objection' received from the Gardens Trust highlighting the lack of viewpoints from the RPG was received prior to this meeting and was publicly available. Furthermore, that the provision of visualisations from the perspective of the adjacent RPG may aid an assessment of the effect on heritage assets is not unexpected. I therefore do not find evidence of unreasonable behaviour in this regard.

Dismissing Statutory Consultee Comments and New Viewpoints

13. The applicant engaged directly with the Gardens Trust over their concerns - preparing visualisations ('VU.CITY Views Shared with Gardens Trust') and organised a site walk with the Gardens Trust to discuss them. As a result of this engagement, the Gardens Trust removed their holding objection and the applicant sent these visualisations to the Council on 25 September 2024, some 42 days before the determination of the planning application.
14. Whilst the Committee Report set out that the Gardens Trust had withdrawn its objection, it fails to refer to the visualisations, and in fact it states that there are none. Whilst I understand that the additional information was required to be consulted on, the applicant has set out that there were 42 days between receipt and determination of the application which could have allowed opportunity for this. Nonetheless, I do not see why the visualisations could not have been considered in the Committee Report and the Council has not provided adequate reason for this. I therefore consider this to be unreasonable behaviour as set out at paragraph 49 of the PPG.
15. Having not had the benefit of it being taken into account in the assessment, the applicant would not have been aware of the Council's stance on the visualisations until the Council provided its Appeal Statement. Preparing to address this matter at the hearing will have amounted to some cost to the applicant and could have been avoided had the visualisations been taken into account at the application stage.
16. The Gardens Trust ultimately concluded that the proposal would not be harmful to the significance of the RPG. However, the Council found harm to the setting of the RPG and has maintained this stance at appeal, following a consideration of the

additional visualisations referred to above. The Council or its Planning Committee is not duty bound to follow the advice of the statutory bodies or other consultees and this does not amount to unreasonable behaviour. I am satisfied that this part of the refusal was not unsubstantiated.

Unsubstantiated Allegations

17. The applicant argues that as this is a joint venture between two neighbouring landowners it provides a unique and time-limited opportunity to redevelop the entire site holistically, securing a much greater package of benefits and a more favourable overall outcome compared to piecemeal development. That the Council did not include reference to this in its Committee Report would not, in my view, have led to Members being misled. This is because the joint nature of the submission would have been clear to Council Members and interested parties when reading the supporting information with the planning application as well as the planning history. Furthermore, the amount of weight to be attributed to this as a material consideration is for the decision maker. I therefore see no evidence of unreasonable behaviour in this regard.

Inflated Harm

18. The Council's third reason for refusal stated that the scheme relied upon the evidence of deterioration and poor condition to justify the loss of 21 Hobson Street. It has also stated that it considers that there is evidence of deliberate neglect. The applicant has been able to respond to this matter at appeal. On the basis of the evidence supplied, I concluded differently. I found that the building had been maintained to a level consistent with a vacant building. The Council is entitled to take a different view, and it has evidenced the reasons for this in its Committee Report. I therefore do not see evidence of unreasonable behaviour in this regard.
19. The applicant considers that the Council sought to maximise the extent of perceived 'harm' to the relevant designated heritage asset, the Cambridge Central/Historic Core Conservation Area (the CA) ultimately concluding at the highest possible level (given the scenario) of less than substantial harm to the CA.
20. Whilst the applicant argues that the Council is conflating 'perceived visibility' with harm to the CA, it is clear to me when reading the Committee Report as a whole that this is not the case and that the Council's conclusion is substantiated. For example, the Committee Report sets out that the proposal comprises of a '*wholly inappropriate scale and massing in comparison with the existing finer historical urban grain found within this part of the Conservation Area*'.
21. Furthermore, the Council sets out in its Committee Report that, in its view, the finer historical grain comprising of the individual plots is one of the elements that contributes to the significance of the CA. The appeal scheme would span three plots and would result in a loss of plot definition, and the Council clearly set this out in its Committee Report. I am satisfied that the Council's stance on this point has been substantiated.
22. 21 Hobson Street is designated as a Building of Local Interest (BLI) and is a non-designated heritage asset. Whilst I acknowledge that it is not a listed building, this does not mean that its architectural style cannot be described as rare or iconic. There is no evidence before me that the building's significance has been inflated beyond its status as a BLI.

23. That the proposal comprises ‘non-contextual’ development forms the basis of much of the Council’s reasoning in its Committee Report. Whilst I acknowledge that the Council’s arguments are not all reflected in Historic England’s comments, this is not convincing evidence that these arguments are unsubstantiated, nor is it evidence of unreasonable behaviour.
24. On the basis of my above reasoning and the assessment in my decision, it has not been demonstrated that the Council has based its decision on a series of unnecessary assumptions, subjective preferences, or unsupported assertions, nor is there evidence of an inflation of harm. Unreasonable behaviour has therefore not been demonstrated in relation to this matter.

Downplaying Benefits

25. The Council clearly references the various public benefits put forward by the appellant in its Committee Report. Whilst the applicant states that heritage benefits are simply ignored, paragraph 8.162 of the Committee Report does refer to: *‘Improving the local townscape character and local views from the adjacent streets and will have a positive impact on the conversation area and 11 other designated heritage assets’*. References to ‘betterment’ and ‘enhancement’ are also included in other sections of the Committee Report. The Report also refers to: *‘Improving city centre permeability, accessibility and inclusivity’*. I am therefore satisfied that the Council has not downplayed the public benefits and that these have been taken into account in its Committee Report. No unreasonable behaviour has therefore been demonstrated in that regard.

Selective Presentation of the Planning Balance

26. The applicant considers that the Council’s Committee Presentation to its Members misrepresented the planning balance and downplayed the public benefits arising from the scheme. I have been provided with screenshots of the slides that were shown to the Council Members. Slide 30, which included a drawing of a set of unbalanced scales with text boxes relating to public benefits on one side and harm on the other is a somewhat crude representation of the planning balance. Moreover, it includes all of the harm identified but not all of the public benefits that have been put forward.
27. Whilst I do not have concerns that the scales were shown as tilted, as the role of the Officers is to present a recommendation to the Members, the slide is nonetheless misleading due to the lack of inclusion of all the benefits. Whilst this could have amounted to unreasonable behaviour, I am mindful that all of the public benefits are clearly set out in the Committee Report. I am therefore satisfied that the Council Members had sufficient evidence before them to allow them to carry out their own balance. I am therefore not convinced that the actions by the Council in this regard have directly caused the applicants to incur unnecessary expense at appeal.

Conclusion

28. Having regard to my above assessment, I do not find that the application for a full award of costs is justified. Nevertheless, I find that some unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified, relating solely to two matters. These are: the Council maintaining an ‘in principle’ objection to the loss of

21 Hobson Street; and for failing to consider the VU.CITY Views Shared with Gardens Trust in its assessment, which was submitted well in advance of the Committee Meeting to determine the application. The applicant has thus been faced with the unnecessary expense of responding to these matters as part of the appeal.

Costs Order

29. 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 SSHS Redevelopment Partners, the costs of the appeal proceedings described in the header of this decision limited to those costs incurred in responding to the Council's 'in principle' objection to the loss of 21 Hobson Street and in responding to the Council's assessment of the '*VU.CITY Views Shared with Gardens Trust*' document at appeal, with such costs to be assessed in the Senior Courts Costs Office if not agreed.
30. 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.

Paul Martinson

INSPECTOR