



Costs Decision

Site visit made on 16 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Costs application in relation to Appeal Ref: APP/D0515/W/25/3368673 Mayflower, 12A Westfield Road, Manea, Cambridgeshire PE15 0JG

- 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 T & Mr T Cliss for a full award of costs against Fenland District Council.
 - The appeal was against the refusal of grant of planning permission for erection of 7 no. dwellings with 3 single garages, 4 double garages, new access and retaining of existing bungalow including demolition of existing sheds and formation of a retention pond.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application essentially relies on the fact that the Council Officers recommended that planning permission be granted for the proposal, but that Council Members took a different course of action without providing adequate evidence to support their concerns regarding surface water drainage. The applicants further note that statutory consultees did not object, and that no detailed drainage strategy was required or requested at the outline stage.
4. PPG indicates that local planning authorities will be at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal.
5. In this case I have noted the recommendations of the Council's Officers at both planning committee meetings. However, the final decision is a matter of planning judgement. The Council Members are entitled not to accept the professional advice of Officers, provided a case can be made for the contrary view.
6. It will be seen from my decision that, although I disagree with the Council Members' decision on the grounds related to surface water drainage, Council Members were entitled to seek additional information concerning surface water drainage and highways safety prior to making their decision, even though statutory consultees did not object. In coming to and in support of their decision, Council Members were also entitled to have regard to third-party representations and the historic issues of surface water flooding in the area.

7. Therefore, it follows that I cannot agree that the Council acted unreasonably in this case. As such, there can be no question that the applicants were put to unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for an award of costs is refused.

C Mayes

INSPECTOR