
Costs Decision

Site visit made on 9 September 2025

by Mr Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2026

Costs application in relation to Appeal Ref: APP/Q0505/W/25/3361632

Anstey Hall Hotel, Maris Lane, Trumpington, Cambridge, CB2 9LG

- 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 Cambridge City Council for a full award of costs against Mr John de Bruyne, Trumpington Investments Ltd.
 - The appeal was against the refusal of planning permission for the construction of two blocks of retirement accommodation (Class C2) comprising 87 two-bedroom apartments with associated hard and soft landscaping, bin storage, cycle, and car parking. Provision of new vehicular access onto Maris Lane and reconfiguration of wall with new entrance gates. New pedestrian access onto Old Mills Road.
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Decision

1. The application for an award of costs is allowed 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. The claim of unreasonable behaviour is centred on four issues. First, a substantive issue in that the appeal, the applicant says, had no reasonable prospect of succeeding. Alongside this, are three matters of procedure concerning work in agreeing a statement of common ground (SoCG); the length of the appellant's statement of case and the relevance of its content; and a late planning obligation.
 4. Prospect of succeeding: The appeal failed on two grounds; heritage and open space. The difference between the parties on heritage was the degree of harm and the weight of public benefits in the balance. There is a large degree of judgement involved in measuring these factors, whether or not works to the Hall or its change of use are included. While the PPG describes how an appellant is at risk of an award of costs being made against them if the appeal had no reasonable prospect of succeeding, it is unfair to say that there was no reasonable prospect of success on the heritage issue.
 5. Similarly, while there was no replacement open space secured, there was a possibility that the left-over space, the public access to it, and the other benefits advanced may have saved this ground. Given the material considerations advanced in the appeal, I cannot find either of these grounds had no reasonable
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- prospect of succeeding. Therefore, there was no unreasonable behaviour in regard to the substantive issue.
6. Statement of common ground (SoCG): The applicant claims that the appellant drew them into negotiations to prepare a SoCG, including the review of a long document. The SoCG was eventually abandoned by the appellant when the appeal was made seeking determination by written representations, for which no SoCG is required.
 7. I recognise the best of intention of the applicant, but there was no compulsion for the applicant to prepare an agreed statement of common ground with the appellant *before* the appeal was made. The Procedural Guide¹ at the time advises that the appellant need only *discuss* the draft SoCG with the LPA before they make their appeal. It does not suggest that the LPA must review documents. The appellant may have caused the applicant to incur unnecessary expense, but this was not unreasonable behaviour.
 8. Statement of Case: The applicant claims that the appellant's statement of case was excessively long at 17,590 words or 80 pages, and that the accompanying documents in respect of landscape and heritage were irrelevant given that they were based on an earlier planning application where the proposal was not the same as in the appeal.
 9. The Procedural Guide says that in general an appellant's full statement of case should not normally exceed 3,000 words, and that whilst this might not be appropriate in all circumstances, the statement is expected to be concise. It also says that the statement should focus on the areas of disagreement.
 10. The appellant's statement of case is far from concise, and many times the length recommended in the Procedural Guide. Much of its content would have been better placed in an appendix, or in the design and access statement. It also contains images that relate to the previous application on the site.
 11. The appellant's Landscape and Visual Impact Assessment, and his Supplementary Heritage Impact Assessment which also appears in full in the design and access statement, appear to relate to the previous scheme on this site, which included a different proposal. The appellant's Management Strategy for Public Open Space (revised July 2024) also contains images that are inconsistent with the appeal proposal.
 12. I have taken into account that there were five reasons for refusal given by the Council. Also, that some elements of the documents above contained information relevant to this appeal. However, the length of the statement of case, and the irrelevance and repetition in the content of the principal accompanying documents above makes for wasted time in trying to properly understand the proposal and its effects. In respect of this procedural matter, the applicant has demonstrated unreasonable behaviour on the part of the appellant that will have incurred

¹ Planning Inspectorate, Procedural Guide: Planning appeals – England, updated 17 September 2024, paras 13.1.3 & 13.2.1

unnecessary expense. A partial award of costs in respect of this procedural issue is therefore justified.

13. Planning obligation: The applicant claims that because the appellant did not submit the planning obligation when the appeal was made, its submission during the appeal caused them unnecessary work in dealing with it more hastily than had it been submitted in accordance with the appeal timetable.
14. The Procedural Guide² says that where an appeal is following the written representations procedure, then the appellant must ensure that an executed and certified copy of the planning obligation is submitted at the time of making their appeal. The appeal timetable in the Guide³ makes it clear that if there is a planning obligation, then the appellant should send a copy of the certified planning obligation when the appeal is made.
15. The appellant submitted the obligation late. The appeal form asks if the appellant intends to submit a planning obligation *with* the appeal. Even if the appellant's understanding of the question led him to think an obligation could be submitted later, in the event, the appellant's answer to the question was no.
16. The appellant's statement of case mentions that a planning obligation will be completed. However, it is unreasonable to expect the claimant to search through the 17,590 words of the appellant's statement of case to see whether a straightforward question in the appeal form might have been answered, albeit unintentionally, incorrectly. In any event, whatever intention was indicated or held by the appellant, his planning obligation was late.
17. The PPG indicates that failure to adhere to deadlines is an example of unreasonable behaviour. The late planning obligation caused the applicant unnecessary expense. A partial award of costs in respect of this procedural issue is justified.

Costs Order

18. 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 Mr John de Bruyne, Trumpington Investments Ltd shall pay to Cambridge City Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in respect of the length of the statement of case, and the irrelevance and repetition in the principal accompanying documents described above; and, those costs incurred in respect of the late submission of the planning obligation outside the appeal timetable, such costs to be assessed in the Senior Courts Costs Office if not agreed.

² Planning Inspectorate, Procedural Guide: Planning appeals – England, updated 17 September 2024, para 18.2.2.1

³ Planning Inspectorate, Procedural Guide: Planning appeals – England, updated 17 September 2024, para 9.5.1.1

19. The applicant is now invited to submit to Mr John de Bruyne, Trumpington Investments Ltd, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Mr Patrick Whelan

INSPECTOR