
Costs Decision

Inquiry held on 12 13, 14, 15, 19 and 20 May 2026

Site visit made on 20 May 2026

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 7th July 2026

Costs application in relation to Appeal Ref: 6004178

Land off Barkway Road and North of Flint Hall, Barkway Road, Royston SG8 9DF

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Woosington One Ltd for a full award of costs against North Herts Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for residential development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road.
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Decision

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

The submissions

2. The costs application and the Council's response were submitted in writing as well as the Applicant's final reply. The main parties did not make any substantive additional points orally at the hearing.

Reasons

3. 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.
4. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. It goes on to say that examples include
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The list not exhaustive and the Applicant considers that in addition to the above behaviours, the Council has behaved unreasonably by pursuing arguments that do

- not reach the threshold of respectability (i.e rely on an argument that no reasonable inspector could possibly accept).
6. The planning application was with the Council for some 6 years prior to determination by which point there were no outstanding objections from statutory consultees, including the Local Highway Authority (LHA), and the application was recommended for approval by the Council's planning officers.
 7. The Council's development management planning committee are not bound to follow planning officer's or LHA recommendations. It refused the application with 2 reasons for refusal including that the proposal would, in their view, fail to provide adequate opportunity for travel by residents and visitors by non-car transport modes.
 8. The application was refused despite the lack of objection from the LHA. However, the Council's witness substantiated the concerns through the proof of evidence and via formal examination and cross examination at the inquiry. The witness may have accepted in cross examination that the options of walking, cycling and taking the bus were available to future occupiers of the development. However, the likelihood that future residents would choose these options given the gradient along Barkway Road, and whether there would be a 'genuine choice' in the terms of the National Planning Policy Framework (Framework) is a matter of planning judgement.
 9. Policy SP9 of the North Hertfordshire Local Plan 2011-2031 (LP) seeks walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas. The supporting text to the Policy requires a pragmatic and realistic approach that recognises the role of the car in modern lifestyles.
 10. The Cycle Infrastructure Design Local Transport Note 1/20 July 2020 (LTN 1/20) states that the guidance should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities, including those on other rights of way such as bridleways and routes within public open space. It may be the case that some cycle routes around the country do not accord with the standards in LTN1/20. However, the Council did not behave unreasonably by using guidance such as LTN 1/20 to assess the suitability of the existing Barkway Road for cycling to the town centre.
 11. The Council did not behave unreasonably by assessing the deficiencies in the proposed cycle routes to assess whether it, along with walking and public transport, would be 'most' attractive in terms of the wording of LP Policy SP9. Financial contributions were secured towards increasing the frequency of the bus service if required. However, as this relies on a future assessment by the County Council, an increase in the frequency of the bus service remains uncertain. Therefore, the Council did not behave unreasonably by assessing whether the walking and cycling routes would be suitable for people of varying mobilities, given the frequency of the bus service.
 12. A cycle link was proposed through the Shrubbery Grove link although the Applicant did not rely on the link. However, the Council did not behave unreasonably in assessing the accessibility of the town centre from the western parcel of the site via this link, given that, without the link, travelling through the site to Barkway Road would add to journey times. The effect of the accessibility of the Shrubbery Grove link and the Grange Bottom link on the choice of transport modes is a matter of

planning judgement that was substantiated during the appeal through assessment against national and local policies as well as guides such as the LTN 1/20.

13. The Council considered that the harm with respect to the first reason for refusal was substantial such that it significantly and demonstrably outweighed the benefits. The evidence presented by the Council assessed the extent of the opportunity for travel by non-car modes in order to come to that conclusion. While I have come to a different conclusion, the Council has not behaved unreasonably in this respect.
14. I note the comments of the Inspector for a case in Oakham¹. However, in that case the Council's reason for refusal was because the development would have a severe impact on the highway network and an unacceptable impact on highway safety. This is different to the reason for refusal in this case, and the details of the comments of the witness in the Oakham appeal are not before me to enable a direct comparison to be made.
15. Accordingly, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Applicant had to address those concerns and the evidence of third parties in any event.

Conclusion

16. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR

¹ Costs application in relation to Appeal Ref: APP/A2470/W/25/3375952