
Costs Decision

Site visit made on 19 September 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 October 2016

Costs application in relation to Appeal Ref: APP/H1705/W/16/3150433 The Grain Store, Bulls Bushes, Oakley, Basingstoke, RG23 7EB

- 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 M Raymond for a full award of costs against Basingstoke & Deane Borough Council.
 - The appeal was against the refusal of planning permission for erection of an agricultural grain store with hard standing and the creation of a vehicular access without complying with a condition attached to planning permission Ref 14/00066/RET.
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Decision

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

Reasons

2. 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 Council's Planning Committee decided to refuse the appellant's application (15/04223/ROC) to erect an agricultural grain store without complying with a condition imposed on planning permission 14/00066/RET. The condition in dispute required the colour of the grain store to be changed. The appellant claims that this decision failed to take account of the professional advice of Council officer's.
 4. The officer's committee report in respect of application 15/04223/ROC recommended that planning permission be granted but the Planning Committee went against this advice. Prior to this, the officer's committee report for 14/00066/RET recommended that planning permission be granted without a condition in respect of colour; a view which was supported by the Council's Landscape Officer. Nevertheless, planning authorities are not bound to accept the recommendations of their officers and, in this case, the committee's decision was supported by a reason for refusal which set out their specific concerns, particularly regarding the backdrop to the grain store created by Bulls Bushes Copse.
 5. The appellant goes on to state that the Planning Committee failed to consider the 'fallback' position provided by the previous prior approval granted for a grey grain store on the site (ref BDB/71533). As will be seen from my Decision I consider that this 'fallback' position can only be afforded limited weight. The appellant also submits that the prevalence of other similar coloured agricultural
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buildings in the locality was not taken into consideration. Whilst this evidence demonstrates that grey is not an inappropriate colour for agricultural buildings in the wider area generally, the buildings highlighted do not provide an immediate context to the appeal site. Given the site specific nature of the committee's reason for refusal I do not consider that they acted unreasonably in this respect, neither do I consider that this represents an inconsistency of decision making.

6. Finally, the committee did not carry out a site visit prior to determining the application. The appellant had submitted evidence in respect of weathering of the grain store and the introduction of landscaping, and these points required due consideration. A site visit would have been useful in light of this. However, I understand, from the evidence before me, that up-to-date images of the appeal site were displayed at the meeting. On balance, therefore, I consider the Committee were in a reasonable position to make a decision.
7. In light of my findings above I do not consider that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in PPG, has been demonstrated.

Hayley Butcher

INSPECTOR