
Costs Decision

Site visit made on 6 December 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 13 January 2017

Costs application in relation to Appeal Ref: APP/E3715/W/16/3158926 Glebe Farm Barn, Birdingbury Road, Bourton-on-Dunsmore CV23 9RA

- 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 Michael Chicken for a full award of costs against Rugby Borough Council.
 - The appeal was against the refusal of planning permission for conversion of redundant barn to form a two-storey residential dwelling with side extension without complying with a condition attached to planning permission Ref 878, dated 14 May 2010.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Claims can be procedural – relating to the process; or substantive – relating to the issues arising from the merits of the appeal.
3. In this case the application for an award of costs is a substantive claim. It is made on the basis that Council acted unreasonably by attaching a condition which does not meet the tests in paragraph 204 of the National Planning Policy Framework (the Framework) and then refusing permission for the condition to be removed without adequate justification.
4. It will be clear from my decision on the appeal to which this costs award is related, that whilst allowing the appeal, I have found key aspects of the original planning condition to be necessary and reasonable in removing permitted development rights which would otherwise result in inappropriate development in the Green Belt. I have also found the reason for the condition, namely ‘the amenities of the locality’, to be inclusive in protecting the essential characteristics and purposes of the Green Belt from which the area surrounding the appeal site benefits.
5. The Council has substantiated its reasons for refusing permission for the removal of the condition in terms of harm to the Green Belt. Although I have not been persuaded that all classes of permitted development removed by the condition would result in inappropriate development, this is a matter of judgement based on whether particular alterations would amount to disproportionate additions. The Council did not act unreasonably in applying its own judgement to reach a different conclusion.

Conclusion

6. On this basis, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs fails.

M Hayden

INSPECTOR