
Costs Decision

Site visit made on 20 February 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 3 March 2017

Costs application in relation to Appeal Ref: APP/L1765/W/16/3161434 Watley Farm, Locks Lane, Sparsholt, Hampshire, SO21 2LU

- 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 P Hunt for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of planning permission for the conversion of an existing portal framed barn to residential use, with the provision of an associated residential curtilage for the proposed dwelling.
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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 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. It will be seen from my decision that I considered the proposed development should not be permitted having regard to the development plan, national policy and other material considerations. Therefore I do not consider that the Council prevented or delayed a development which should clearly have been permitted.
 4. The appellant submits that, because the Council did not produce an appeal statement; relying instead on the planning officer's committee report, that they failed to provide evidence to substantiate their reasons for refusal. However, the committee report clearly outlined the Council's main concerns and evidence was produced in respect of these. It is therefore of no consequence that the Council did not submit a formal appeal statement as the committee report eminently substantiated the reasons for refusal on appeal.
 5. Although the committee report does raise questions over the ability of the barn to be converted it does not rely solely on this point in forming the Council's case which included other concerns such as the extent of the works proposed and matters of character and appearance.
 6. Finally, although the committee report does not directly respond to appeal decisions and other applications for barn conversions referred to by the appellant it will be seen in my decision that I find that these can only be afforded limited weight and/or they were not directly comparable.
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7. For the above reasons I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated.

Hayley Butcher

INSPECTOR