
Costs Decision

Site visit made on 3 July 2017

by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb

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

Decision date: 7th July 2017

Costs application in relation to Appeal Ref: APP/L1765/D/17/3171378 Pembroke Cottage, Bishops Sutton, Alresford SO24 0AA

- 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 Mark Arscott for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of the Council to grant planning permission to regularise the design of a rear extension and roof raise to provide a loft extension.
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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. The Applicant's first basis for claim relates to the original application ref 15/02373/FUL rather than the application subject of this appeal. Regardless of whether the Council advised or negotiated with the Applicant during that case, as required by paragraph 187 of the National Planning Policy Framework (NPPF), it is not within my jurisdiction to consider whether costs are justified in that case.
4. The second basis of claim concerns discrepancies between comments made by an Enforcement Officer and the Planning Officer. Whilst the Enforcement Officer accepted that the tiles used were clay (and so in accordance with that criterion in Condition 3 of application 15/02373/FUL), the Planning Officer referred to other criteria that the Council considers are not met such as colour, texture, profile and pattern of laying.
5. In addition, questions were raised in relation to the height of the building. When originally inspected, with scaffolding in place, there were technical problems with the Council's measuring device but the Enforcement Officer agreed that the height appeared to accord with the approval. A later inspection, with the scaffolding removed, confirmed that discrepancies in height were clearly visible without the need for taking measurements. In these circumstances, I do not consider that the Council has acted unreasonably leading to the Applicant incurring costs unnecessarily.

Ken Barton

Inspector