



Costs Decision

Site visit made on 1 August 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 29th August 2017

**Costs application in relation to Appeal Ref: APP/Q3115/W/17/3173058
Land adjacent to St Leonard's Church Hall, Prospect Place, Watlington,
Oxon, OX49 5LX.**

- 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 The Trustees of the Church Houses Charity (the Maria Cook Trust) for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of an application for the demolition of the existing St. Leonard's Church Hall, alterations to the car park, and construction of two dwellings (one four bedroom rectory and one five bedroom market unit) together with double garages, access, landscaping and boundary treatment works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance 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 appellant submits that the Council acted unreasonably in refusing planning permission, against the recommendation of its professional officers, and there were procedural failures and a lack of clarity in the reason for refusal eventually issued. The reason for refusal, largely on heritage matters, lacked justification and substance and went in the face of the advice from the heritage advisors. Further, the Council has not been able to substantiate its case at appeal as its representations were not made in time. These procedural and substantial failures clearly demonstrate unreasonable behaviour and have resulted in the appellants incurring the unnecessary expense of the appeal.
4. In the Council's planning decision, the Planning Committee were not bound to follow the professional advice of its officers, but the reasons for refusal must be capable of being substantiated by clear evidence of any conflict with the provisions of the development plan and any harm alleged. I also acknowledge that it appears that the Committee were faced with a fundamental split in local public opinion with strong objections put forward by the parish council.
5. Nevertheless, the critical issues in this case involved heritage matters and there is little evidence that significant weight had been placed on the specialist advice from Historic England and the Council's Conservation Officer. Further, the outcome of the assessment of the effect on the designated heritage assets

should have been undertaken in accordance with statute and the detailed provisions of the National Planning Policy Framework. The reason for refusal is not so based and it does not adequately set out the nature of the harm that is said to arise. Neither has such evidence been properly submitted on the appeal to provide the necessary justification of the decision.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Oxfordshire District Council shall pay to The Trustees of the Church Houses Charity (the Maria Cook Trust) the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to the Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

David Murray

INSPECTOR