

Costs Decision

Site visit made on 7 November 2017

by R M Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 1st December 2017

**Costs application in relation to Appeal Ref: APP/V3120/W/17/3181544
The Snooty Mehmaan, Road running through Littleworth Village,
Littleworth, Faringdon SN7 8PW**

- 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 Asad Ahmed for a full award of costs against the Vale of White Horse District Council.
 - The appeal was against the refusal of the Council to grant planning permission for 'extension to the existing building to provide a function room with eleven ensuite bedrooms over.'
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) Paragraph 030 advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 sets out that a local planning authority is at risk of an award of costs if it behaves unreasonably by failing to produce evidence to substantiate each reason for refusal on appeal.
4. Whilst I came to a different view to the Council on the acceptability of the proposed extension, its concern regarding its size, scale, mass and design were well articulated, based on Council policy and substantiated in its reasoning. It has confirmed that it carried out a site visit early on in its considerations to inform its decision, used the expertise of its in-house Architects' Panel, and understood the appellant's requirements with regard to the provision of disabled access. Further, it weighed the environmental harm that it identified against the social and economic benefits of the appeal scheme. In this regard, I consider that it acted reasonably.

Conclusion

5. I have identified that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG paragraph 030, has not been demonstrated and an award of costs is therefore not justified.

R Barrett INSPECTOR