
Costs Decision

Site visit made on 24 June 2019

by S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Costs application in relation to Appeal Ref: APP/L1765/W/18/3210599 Land to the West of Tangier Lane, Bishops Waltham, Hampshire SO32 1BU

- 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 Crest Nicholson Operations Ltd for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of 66 dwellings with associated access via Albany Road, associated parking, landscaping and public open space (Phase 1), without complying with condition 5, attached to planning permission Ref 16/01322/FUL, dated 30 June 2017.
-

Decision

1. The application is refused.

Reasons

2. This application is made on the basis that the applicant believes that the Council acted unreasonably in their consideration of the proposal to amend the condition. However, as can be seen from the Decision Letter for the Appeal I have not found that the Council acted unreasonably in refusing the Section 73 application.
3. The Council for this appeal made it clear that they were of the opinion that interlocking roof tiles were not appropriate or of sufficiently high quality. Whilst I am of the opinion that an appropriate high quality material may not have to be a plain clay tile, the Council has made their case clearly and their opinion is not a result of unreasonable behaviour. Furthermore, reference had been made to plain clay tiles in the Council's policy documents. There are differences between the interlocking tiles and a plain clay tile and so I do not agree that the differences are not discernible.
4. On this basis, it was not unreasonable for the Council to be of the opinion that only plain clay tiles and natural slate were appropriate high quality materials, even if I have come to a different view.
5. Therefore, whilst I have amended Condition 5 it has not been demonstrated that the Council acted with unreasonable behaviour resulting in unnecessary expense during the appeal process. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Conclusion

6. For the reasons given above, the application is refused.

Steven Rennie

INSPECTOR