



Costs Decision

Site visit made on 19 November 2019

by Sarah Colebourne MA, MRTPI

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

Decision date: 18th December 2019

Costs application in relation to Appeal Ref: APP/Q3115/W/19/3230720 Annexe, Crowsley Park Farm, Crowsley, Henley-On-Thames, RG9 4JN

- 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 Phillimore Successors Settlement for a full award of costs against South Oxfordshire District Council.
 - The appeal was made against the refusal of planning permission for development described as 'Retrospective application for planning permission and listed building consent for the retention of Crowsley Park Farmhouse Annexe as an independent residential dwelling and for associated alterations to the building.'
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Decision

1. I allow the application for a full award of costs.

Reasons

2. The government's Planning Practice Guidance (PPG) states 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 applicants contend that the Council failed to provide any evidence to substantiate its reasons for refusal (for both the listed building and noise issues) which contradicted the planning officer's recommendation for approval. The Council says that its planning committee was entitled to reach a different view and that robust planning reasons were detailed within the minutes and informed the formal decision. I agree that the Council was entitled to reach a different view from its officers on both matters.
4. However, no heritage assessment was provided by the Council and neither the decision notice nor the Council's appeal statement or its minutes provide any explanation regarding *why* it considered that the proposal has resulted in a physical and functional separation of the outbuilding from the farmhouse. My appeal decision explains why I found that is not the case. I find therefore that the Council failed to provide adequate evidence to support its decision in regard to the listed building issue.
5. The applicants also consider that the Council failed to consider the proposal appropriately against its development plan policy EP2 in regard to noise. The Council's appeal statement said that noise levels are greater as a result of the proposed development than the levels previously when the building was redundant or in ancillary use. The test in that policy is whether or not the additional noise has resulted in '*an adverse effect*', not whether or not the

levels are greater. My appeal decision shows why I found that there is no adverse effect. I find then that the Council did not consider the proposal properly in the context of its development plan in regard to the noise issue. In those circumstances it was unreasonable for the Council to refuse planning permission in respect of this issue.

Conclusion

6. The PPG says that where a local planning authority has failed to produce evidence to substantiate each reason for refusal on appeal or has prevented development that should clearly be permitted according to the development plan, they are at risk of a substantive award of costs due to unreasonable behaviour.
7. That is the case here and for the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has been demonstrated and that a full award of costs is justified.

Costs Order

8. 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 Phillimore Successors Settlement 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.
9. The applicants are now invited to submit to South Oxfordshire District 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.

Sarah Colebourne

Inspector