



Costs Decision

Site visit made on 16 March 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Costs application in relation to Appeal Ref: APP/Q3115/W/18/3208665 Wallingford Portcullis Social Club, 28 & 29 Goldsmiths Lane, Wallingford OX10 0DU

- 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 Winslade Investments (Wallingford) Ltd for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for Demolition, Part demolition, redevelopment and Change of Use of the Portcullis Club building & No29 to provide 14 residential units. Eight two-bedroom houses, three two-bedroom flats and three one-bedroom flats.
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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 that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. The appellant is of the view that the Council have acted inconsistently, failing to determine similar proposals in similar manners. In addition, it is suggested that the Council did not substantiate their reason for refusal, and gave vague, generalised and inaccurate assertions about the effect of the proposal, unsupported by objective analysis. In essence, there was no sound justification for going against officer advice and undue weight was given to minor issues.
4. However, it is well established that a Planning Committee is entitled to reach a different conclusion to their officers and the weight to be attributed to material considerations is a matter for the decision maker. The decision has subsequently been substantiated with a detailed statement of case and based on the evidence before me, I am satisfied that the effect of the proposal has been suitably articulated. In addition, despite reference to another site, based on the details before me, I am satisfied that the cases are suitably different to enable the Council to conclude differently.
5. Whilst I have found against the conclusions of the Council, I am satisfied that the analysis presented is objective and seeks to defend the decision in a proportionate manner. Accordingly, I find that unreasonable behaviour

resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

Martin Chandler

INSPECTOR