
Costs Decision

Site visit made on 9 June 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Costs application in relation to Appeal Ref: APP/Q3115/W/20/3246057 25 Croft Way, Woodcote, Reading RG8 0RS

- 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 Croft Way (OSIT) Ltd for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for proposed demolition of detached brick garage and construction of a new three bedroomed bungalow with a double pitched roof to the rear of 25 Croft Way.
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Decision

1. The application for an award of costs is refused.

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 applicant states the application should not have been refused, the Council failed to substantiate its reasons and used vague and generalised assertions unsupported by analysis. The noise aspects could have been the subject of a condition and more information could have been provided.
4. The Council state that the planning committee were entitled to come to a different view to officers and their detailed statement substantiates the reasons for refusal. Officers would have been happy to advise on the noise issue; it did not need a survey in the same detail as for example an air conditioning unit. The noise aspect was raised by third parties. The issues arising are typical of 'backland' development.
5. The site is within a settlement with facilities and accordingly planning policies allow for the principle of a new dwelling. However, the policies do advise on the challenges of such 'backland' development. Indeed, the policies give detailed site specific and proposal specific criteria which must be considered. The assessment of the policies in such a case is not an automatic conclusion but rather a balance of the merits and impacts. They are open to interpretation which is widely acknowledged as a matter for the reader.
6. The planning committee made a decision based on the characteristics of the site and the proposal. In particular, the impact on living conditions is a matter of judgement. They applied the criteria in the Development Plan policies and

came to a view. Consequently, I conclude that the planning committee were entitled to come to a different view from officers.

7. The reason for refusal was comprehensible, relevant and based on planning considerations. Whilst I have come to a different view in the planning appeal, a rational case was made by the Council. Their reason for refusal was precise by identifying the existing dwellings affected and the particular concerns.
8. The noise aspect was a relevant consideration bearing in mind the location of the access and neighbouring dwellings. Both parties could have considered and agreed both the level of noise information and mitigation measures during the application process.

Conclusion

9. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR