
Costs Decision

Site visit made on 28 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Costs application in relation to Appeal Ref: APP/W0340/D/20/3254826 Ogdown House, North Heath, Chieveley, Berkshire RG20 8UG

- 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 & Mrs B & S Carter for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of planning permission for the erection of an outbuilding.
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Decision

1. The application for costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Planning Practice Guidance states that examples of unreasonable behaviour by Local Planning Authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant has included in their Statement a description of the communication from the Council during the planning application process which conveyed that there was some concern with the planning proposal. Indeed, if this was the only communication then it did not include much detail as to what the concerns were. It did, however, demonstrate that the Council had issues with the proposal to some extent.
5. The applicant states that there was a lack of engagement from the Council as to what their concerns were and there was not a reasonable opportunity for amendments. Whilst this may be the case, I am not convinced that even if there had been more in-depth discussions between applicant and Council before determination of the planning application that this would have resulted in amendments which could have led to an approval. There were previous amendments and the Council still remained of the opinion that the development would be harmful to the AONB for example. To my mind, given the stances of both parties it seems unlikely further amendments would be able to be agreed to avoid the subsequent appeal.

6. Whilst I have not agreed with the decision made by the Council as can be seen from the Appeal Decision, I do not regard their decision as being unreasonable. The evidence from the Council was well-reasoned and concluded against planning policy, although I have come to a different decision.
7. Overall, I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense in taking this proposal into an appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Steven Rennie

INSPECTOR