
Costs Decision

Site visit made on 11 November 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

**Costs application in relation to Appeal Ref: APP/N1730/Y/20/3253873
Minley Manor, Minley Manor Park and Garden, Minley Road, Blackwater,
Camberley GU17 9JT**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Shi of Strong Property (UK) Ltd for a full award of costs against Hart District Council.
 - The appeal was against the refusal of listed building consent for works described as repair or reinstate features of the historic water tower at Minley Manor (described below) which were destroyed or damaged in a fire: reinstatement of the roof construction; reinstatement of the original staircase; repair and refurbishment of all structural walls – both internally and externally; removal of the redundant water tank to allow for the repairs of the structural walls; repair and refurbishment of all windows and doors; repair and refurbishment of first floor.
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Decision

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

Procedural Matters

2. I do not appear to have received a specific response to the above application from the Council. I have therefore considered the application against the evidence otherwise set before me by the Council.

Reasons

3. The Planning Practice Guidance (PPG) 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.
4. The applicants claim that the Council acted unreasonably on procedural and substantive grounds which I summarise as:
 - a) lack of co-operation; and
 - b) inconsistency in decision making.
5. With regard to ground (a), the PPG states that although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the application can be taken into account.

6. The applicants state that the Council failed to work with them in a proactive way, which was contrary to the approach advocated in paragraph 38 of the National Planning Policy Framework.
7. Delays at pre-application stage are referenced, however, having more specific regard to actions at the time of the application itself, the applicant states that the Council did not request further information, or provide the opportunity for response to the reasons for refusal before the decision was issued. However, there is no specific requirement for the Council to do either.
8. Moreover, I have been provided with no reason to believe that even had the Council been proactive in taking these actions, the issues in dispute would have been resolved, and the appeal either avoided, or the issues significantly narrowed. Indeed, this is confirmed by the fact that the Council's reasons for refusal were strongly contested at appeal. For these reasons Ground (a) fails.
9. Ground (b) specifically relates to the Council's opposition to removal of the water tank. As is also covered in my main decision, the applicant references a previous application for listed building consent for a wide range of works to listed buildings at Minley Manor. This included the water tower, where a change to hotel use was proposed. Removal of the water tank would have facilitated this. In principle support was given by the Council on the basis of securing this use.
10. As the appeal scheme does not relate to reuse of the water tower, the proposals are different. So too are the circumstances, as the water tower was intact at the time of the previous application. Clearly therefore, the public benefits which were attached to reuse in the previous application are not applicable in this instance, and therefore not available to balance against the harm that removal of the water tank would cause. The proposal relating to the water tower was in any case withdrawn before the previous application was determined, and then ultimately refused. For these reasons, the Council's objection to removal of the water tank was not inconsistent with its previous stance. Ground (b) therefore fails.
11. In view of the reasons set out above I conclude that the Council did not act unreasonably in relation to the Grounds claimed by the applicant, and that the applicant was not therefore caused to incur unnecessary or wasted expense in the appeal process on that basis.

Conclusion

12. For the reasons set out above I conclude that the applicant's claim for a full award of costs should be dismissed.

Benjamin Webb

INSPECTOR