



Costs Decision

Site visit made on 2 December 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Costs application in relation to Appeal Ref: APP/J3720/W/20/3256014 Firs Farm, Deans Green, Henley-in-Arden B95 5RJ

- 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 G Connolly for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for refurbishment and extension of existing agricultural barn.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. This application claims unreasonable behaviour by the Council in relying on an irrelevant development plan policy in its decision to refuse planning permission. Consequently, it is contended that the Council has prevented development that should clearly be permitted.
3. The site lies in the countryside and therefore policy AS.10 of the Stratford-on-Avon District Core Strategy 2016 (CS) is a relevant consideration in the assessment of the proposal. I note that it is included in the list of relevant policies at paragraph 5.3 of the appellant's appeal statement.
4. The proposal includes a new extension and it is unclear from the plans whether the refurbishment works would include reconstruction of existing parts of the building. Part (o) of CS policy AS.10 refers to a building or structure related to agriculture but there is no provision that indicates it does not apply to proposals for extensions or rebuilding. As such, it is reasonable for the Council to have had regard to CS policy AS.10 in its consideration of the development.
5. There is no dispute that the development would comply with CS policies CS.10 and CS.20 although it does not follow that the proposal is in accordance with the CS when read as a whole. I have concluded that the scheme would comply with CS policy AS.10 but the evidence indicates that I have been provided with information on the purpose of the development that was not with the Council before its decision was issued. Therefore, the Council has not acted unreasonably in refusing permission on the grounds the proposal would be contrary to CS policy AS.10 and has not prevented development which clearly should have been permitted.

6. As such, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, an award of costs is not justified.

Jonathan Edwards

INSPECTOR