



Costs Decision

Site visit made on 8 December 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 February 2021

Costs application in relation to Appeal Ref: APP/J3720/D/20/3258449 The Byre, Hill Farm Barns, Stratford Road, Wootton Wawen, Henley-in-Arden B95 6DE

- 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 Dr and Mrs Coley-Smith for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for the erection of a double garage.
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Decision

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

Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the costs application.

Reasons for the Recommendation

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. I consider that the Council was not required to ascertain what would be the additional harm to the openness of the Green Belt, or to the five purposes of the Green Belt, of a 6.5 metres separation distance as compared to a 5 metres separation distance, as the Council was only required to assess the proposal as submitted.
5. My reading of the Council's submissions is that the Council assessed the proposal on the basis of whether it would be physically and functionally related to The Byre. The Council did not rely solely on the 5 metres guideline given in the supporting text to Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (adopted 2016) but rather identified a number of factors which pertained to this assessment. It is recognised that the outcome of that assessment, including the consideration of the Upper Wawensmoor case¹, was not favourable to the appellants, and also that I disagreed with the Council's conclusions on the planning merits, but the Council's position was

¹ Local Planning Authority reference: 16/04060/FUL (Upper Wawensmoor, Wawensmere Road, Wootton Wawen)

fully within the range of reasonable possibilities open to it. As such, the Council was reasonable in its approach.

Conclusion and Recommendation

6. I am satisfied that the Council acted in a reasonable manner. The applicants' costs associated with the appeal were therefore necessary and not wasted. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
7. I recommend that the application for an award of costs is refused.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Louise Nurser

INSPECTOR