
Costs Decision

Site visit made on 22 March 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Costs application in relation to Appeal Ref: APP/D3125/W/20/3257752 The Manor Bungalow, High Street, Standlake, Oxfordshire, OX29 7RH

- 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 Nicholas Blakemore of Wychwood Homes (Western) Ltd for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for demolish existing bungalow and build four dwellings.
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Decision

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

Reasons

2. National Planning Practice Guidance (the PPG) advises that costs may be awarded against a party that has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour on the part of a local planning authority may include making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis or unreasonably refusing planning applications, failure to produce evidence to substantiate each reason for refusal on appeal or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant claims that the Council have acted unreasonably in refusing planning permission for the proposed development. The members of the Council's Sub-Committee overturned the officer recommendation to approve without giving proper consideration to the prior appeal decision on the site and due regard to the submitted Heritage Statement (the HS). There was no other factual heritage information on which to base the decision to refuse permission. The Council's decision was therefore made on ill-informed grounds, amounting to substantive unreasonable behaviour.
5. The Council responds that the members are entitled and obliged to reach their own decisions on the cases presented to the Sub-Committee. The HS was available to the members to read and was summarised in the committee report and the applicant cannot know whether the members had read it. The Council has defended its case. It considers that the HS is flawed in its interpretation of the level of harm and fails to properly assess how the proposal would affect the

significance of the listed building in heritage terms. The HS misunderstands the Inspector's findings in the prior appeal decision, as the Inspector did not reach their decision based on the listed building being an important manor building within the village. The HS does not dispute the assessment in that appeal decision of setting, significance and harm and therefore it is reasonable to rely on that decision in relation to the appeal proposal. The applicant's reference to the revised design being more vernacular is not helpful as the design is not faithful to local Cotswolds Architectural vernacular and is only acceptable because it cannot be seen from the street. The Council also considers that this appears to acknowledge that poor design would give rise to heritage harm. The prior appeal decision was not determined based on the quality of design.

6. I found in my decision that the appeal site formed part of the setting of the listed building. In reaching this decision I had regard to information in the HS which confirmed that the appeal site had been agricultural land associated with the farm. My decision was also based on the relationship between the appeal site and the listed building and its grounds that I saw during my site visit. I have no reason to doubt that the members were aware of the contents of the HS, which was prepared to address the lack of information highlighted by my colleague Inspector in dismissing the previous appeal on this site, and which was addressed and referred to in the officers' report. While the members did not agree with their officers' recommendation they are not bound to do so, provided that the refusal of planning permission is justified. The Council have set out in their evidence the justification for members reaching a different conclusion to their officers, and I do not consider therefore that the Council acted unreasonably in refusing permission.

Conclusion

7. Having considered the submissions made by both parties, together with the evidence submitted with the appeal, I find that there was not unreasonable behaviour on the part of the Council that directly resulted in unnecessary or wasted expense on the applicant's part. The application therefore fails, and no award of costs is made.

M Chalk

INSPECTOR