The Planning Inspectorate

Costs Decision

Site visit made on 6 July 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Costs application in relation to Appeal Ref: APP/Q3115/W/21/3273602
Beech Farm, Access track to Beech Farm, Whitchurch Hill, Reading RG8 7NZ

- 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 South Oxfordshire Council for an award of costs against Mr and Mrs Brickhill.
- The appeal was against a refusal of planning permission for a new house with carport.

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.

3. The Council's application for costs turns on the applicant having introduced new arguments in its evidence in support of its application, which were not mentioned at the application stage. Notably, that the proposed new dwelling would be a custom build dwelling and that the dwelling would be occupied by retired farm workers.

4. Whilst the applicant mentioned in its evidence that the proposed dwelling would be occupied by retired farm workers, intimating an agricultural justification for the proposal, it did not substantiate this argument with any evidence. Due to this lack of evidence, I see no indication that the Council has needed to incur any meaningful expense in responding to this point. In terms of the arguments raised regarding custom-build housing, even if this factor was not directly raised during the application process, the self-build element would have been implicit due to the nature of the proposals. I therefore do not consider it unreasonable for the applicant to have introduced further evidence on this point in support its appeal.

5. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR