
Costs Decision

Site visit made on 16 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2021

Costs application in relation to Appeal Ref: APP/V3120/W/21/3276096 Land at 23 High Street, Steventon, Abingdon OX13 6RZ

- 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 Gareth Bertram on behalf of John Charles Property Investments Ltd for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal of planning permission for demolition of the existing buildings and the erection of a single building comprising a four-bedroom dwelling with parking and amenity space.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. It has been alleged that the Council behaved unreasonably by effectively ignoring that a 2016 planning permission¹ for the conversion, extension and change of use of the building to a three-bedroomed dwelling has been implemented and is extant. Moreover, it is set out that the Council's assessment of the planning application failed to justify the harm that was ultimately identified.
4. The Council, at appeal stage, has acknowledged that adequate information has been provided to demonstrate the implementation of the 2016 permission. Indeed, detailed justification that mentions the specific requirements of Condition 4 and that cross references dated overhead imagery² is contained within the appellant's Appeal Statement which is persuasive in confirming that material operations have taken place and that development has commenced.
5. The evidence that is before me indicates that, whilst the appellant's position has not altered, a stronger and more cohesive argument was put forward at appeal stage when compared to at any stage previous to this. Indeed, particularly in the absence of a lawful development certificate to formally confirm the 2016 permission's implementation, I find that it was not unreasonable for the Council to take the stance that it did.

¹ P16/V1295/FUL

² Document 6 of the Appeal Statement (May 2021)

6. It is also relevant to note that, whilst the 2016 permission attracts considerable weight as a fallback position, the proposal that is the subject of this application represents new-build development upon a different footprint closer to High Street. Moreover, there are material differences between the 2016 scheme and the proposal now under consideration. Therefore, notwithstanding my decision upon the planning appeal, it was not wholly unreasonable for the Council to identify harm even when factoring in the existence of the aforementioned fallback position. This is most particularly when considering the October 2020³ findings (in a character and appearance sense) of a previous Inspector at the same site.
7. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Thus, having had regard to all matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR

³ APP/V3120/W/20/3256556