



Costs Decision

Site visit made on 29 October 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Costs application in relation to Appeal Ref: APP/D3125/W/21/3275849 Chimney Farm Barns, Chimney, Bampton OX18 2EH

- 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. Fergus Mitchell for a full award of costs against West Oxfordshire District Council.
 - The appeal was against a refusal of planning permission for the change of use of land from ancillary space for holiday cottages to residential gardens.
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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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, which can include making vague or generalised assertions about a proposal's impact, or by failing to provide evidence to substantiate reasons for refusal.
3. In this instance, in its consideration of the proposal, the Council set out the prevailing character of the wider area, identifying it has an established rural countryside setting. It then went on to outline how the domesticating effect of the change of use would erode the rural character of the site, and how this would conflict with its development plan policies. Moreover, the Council explicitly cited a number of provisions of its Design Guide¹, which were in clear conflict with the development proposed. On this basis, the Council's consideration of the application was in no way vague or generalised.
4. Irrespective of whether the Council's own Landscape Officer was formally consulted as part of the application, there is nothing to suggest that the Landscape Appraisal, the Landscape Proposals or the Landscape Statement were not considered by the Council as part of its assessment of the application. Indeed, emails between the Council and the applicant's agent confirm that an assessment of the application has been made based on a full analysis of the information submitted, specifically stating that the "*landscaping proposals have been looked at in the rounds alongside this wider assessment*". On the

¹ West Oxfordshire Council, Design Guide 15: Conversion of Agricultural Buildings

evidence before me, I am therefore satisfied that these documents were given due consideration in the Council's assessment of the application.

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