



Costs Decision

Site visit made on 8 June 2021

by Elaine Benson BA (Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Costs application in relation to Appeal Ref: APP/T3725/Y/21/3267281 Church Farmhouse, Woodway, Budbrooke, Warwick CV35 8QL

- 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) and the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs J Charlesworth for a partial award of costs against Warwick District Council.
 - The appeal was against the refusal of listed building consent for erection of a first floor extension to residential barn.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that parties in planning appeals should normally meet their own expenses. However, costs may be awarded where a party has behaved unreasonably and that behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application was made in writing and therefore there is no need to rehearse the detailed points made.
3. The PPG advises that an award of costs against a local planning authority (LPA) may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes clear that an LPA is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour for both.
4. The main thrust of this costs application relates to the alleged failure of the LPA to substantiate its reasons for refusal; that it made generalised or vague assertions unsupported by any objective analysis, and that it did not provide reasonably requested information which would or could have reduced the expense of an appeal.
5. The appeal proposal would amount to less than substantial harm to the significance of the listed building and this is not in dispute. The appeal turned largely on whether this harm would be outweighed by public benefits. In particular, it was claimed that the proposed works would support the continued agricultural operation of the farm. Detailed agricultural appraisals were provided by both parties. It is clear that there are strong views on both sides and that there were protracted discussions about this matter. The fact that the parties disagree about the elements of assessment does not in itself undermine

the nature of the evidence provided by the LPA. My view is that by providing the officer report and agricultural assessment, the LPA did substantiate its position sufficiently at the appeal stage. I conclude that in this regard the Local Planning Authority did not act unreasonably in coming to its decision on the merits of the proposal.

6. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Having regard to all other matters raised, a partial award of costs is not justified.

Elaine Benson

INSPECTOR