
Costs Decisions

Site visit made on 18 October 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2022

**Costs application in relation to Appeal Ref: APP/V3120/W/21/3286717
Cherbury Cottage, Road Running From B4508 to Home Farm, Pusey,
Faringdon SN7 8QD**

- 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 and Mrs Green for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal of planning permission for re-submission of approved scheme 're-submission of approved planning application P20/V1648/LB & P20/V1647/HH. Revised scheme to include additional rear extension. Revised scheme to include the removal of the additional rear extension and its replacement as an additional front extension' (dated 14.06.2021; planning reference P21/V0722/HH & P21/V0723/LB). Revised scheme to include a first floor gable addition to the outbuilding.
-

**Costs application in relation to Appeal Ref: APP/V3120/Y/21/3286715
Cherbury Cottage, Road Running From B4508 to Home Farm, Pusey,
Faringdon SN7 8QD**

- The application is made under 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 and Mrs Green for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal of listed building consent for re-submission of approved scheme 're-submission of approved planning application P20/V1648/LB & P20/V1647/HH. Revised scheme to include additional rear extension. Revised scheme to include the removal of the additional rear extension and its replacement as an additional front extension' (dated 14.06.2021; planning reference P21/V0722/HH & P21/V0723/LB). Revised scheme to include a first floor gable addition to the outbuilding.
-

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. It appears from the information submitted, which amounts to an invoice, that the applicant is seeking a full award of costs. Moreover, the invoice refers to

review of the relevant listed building consent and planning applications and the production of a Heritage Statement to support the appeals. There were no other supporting documents regarding the merits of the applicant's case.

4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
5. The Council provided a Statement of Case, in the form of comments provided by Conservation and Design, in order to defend its decision and clearly set out why it considered the proposal to be harmful. In my main decision, although I arrived at a different conclusion regarding the effect of the proposal on the special interest of the listed building, I cannot agree that the Council acted unreasonably. Moreover, it was entitled to arrive at the conclusion it did based on professional advice provided by its heritage advisors. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Paul Thompson

INSPECTOR