



Costs Decision

Site visit made on 5 September 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.10.2023

Costs application in relation to Appeal Ref: APP/D3125/W/22/3311603 The Old Bull Inn, Filkins, Lechlade, GL7 3HU

- 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 Ms J Burwood for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for the conversion of the existing forge and adjoining barn/outbuilding to create an independent dwelling together with associated works.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. Unreasonable behaviour may be procedural and/or substantive.
3. In this instance, the applicant seeks a full award of costs on the grounds that the Council has behaved unreasonably in relation to both procedural and substantive matters, although the submission indicates these primarily relate to the planning merits of the appeal. This includes the Council's failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The grounds for refusal were the harm that the proposed development would cause to the setting of the Grade II listed building, The Old Bull and Horseshoe House, and the character and appearance of the Filkins and Broughton Poggs Conservation Area in which the appeal site lies. This is a matter of planning judgement. The planning officer's report sets out clear reasons for the alleged harm, having regard to the historic settlement pattern and the setting and views of the listed building, having received the advice of their conservation officer. The report also describes why the effect of the proposal would be different from that of the previous planning permission.
5. Whilst the Council does not appear to have had regard to the fact that the property is already served by an access driveway from the B4477 and parking area, it has nevertheless provided sufficient commentary to explain its position and substantiate its case on other grounds. Therefore, it has not behaved unreasonably in this regard.

6. It can be seen from my decision that I have found in favour of the applicant with regards to the lack of harm to heritage assets and the appeal overall. Nevertheless, for the reasons set out above, this does not mean that the Council acted unreasonably in taking its decision.

Costs Order

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

E Worley

INSPECTOR