



Costs Decision

Site visit made on 17 October 2023

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Costs application in relation to Appeal Ref: APP/Q3115/W/23/3317169 Poachers Cottage, Mays Green, Harpsden, Henley-on-Thames, Oxfordshire RG9 4AL

- 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 Eggleton for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for the conversion of redundant barn to one (1x) dwelling-house.
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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.
3. The claim is based on the fact that the planning application was refused by Planning Committee Members, contrary to the recommendation of professional officers. The appellant considers the refusal reason has no foundation and the change from the original view of the officer that the development was policy compliant to being perceived by the Committee Members to conflict with planning policy amounts to unreasonable behaviour.
4. It is a well-established and fundamental principle that Planning Committee Members are not bound by the advice of their officers and are entirely within their rights to exercise judgement and maintain objections where they have a legitimate basis from the evidence and information available to them. The fact that Planning Committee Members may have a different view to their professional officers and the appellant does not in itself constitute unreasonable behaviour.
5. Point 3 vii) of Policy H1 of the South Oxfordshire Local Plan 2011-2035 (LP) is two limbed and it supports new residential development outside allocated sites, provided that two criteria are met: it would bring redundant or disused buildings into residential use and it would enhance its immediate surroundings.
6. In relation to the first criterion, as set out in my appeal decision, to my mind, this policy supports residential development where buildings are already established. As such, notwithstanding the amount of work that would have to

- be carried out to the building, I have no reason to believe that the proposal would not accord with this criterion.
7. The second criterion requires the proposal to enhance its immediate surroundings, which is a matter of planning judgement. The reason for refusal is supported by the Council's appeal statement and accompanying Statement on Landscape and Visual Matters. The Statement addresses the landscape and visual aspects of the reason for refusal, including the provision of a landscape plan, and concludes why in the Council's view the proposal would not enhance its immediate surroundings. Point 3 vii) of Policy H1 of the LP requires both criteria to be met. Consequently, I find it highly unlikely that an appeal would have been avoided.
 8. The appellant notes at pages 2-3 of their costs application that Committee Members did not discuss the effect of the proposal on the Area of Natural Outstanding Beauty (AONB) and that Policy H1 of the LP does not include wording relating to AONB. From what I can see, the site being in the AONB is well established in the officer report. I would not expect Committee Members to be so forensic in their discussion, if a site is in an AONB and they find that visual harm would arise from the proposal, by extension it seems to me that harm to the AONB would result. The fact that Committee Members did not mention it does not indicate that they were unaware of it, or that it did not factor into their decision. In any case, the development plan must be read as a whole and other policies cited by the Council do refer to the AONB.
 9. Although it may be the case that Committee Members have discussed potential future development on this site, this is not reflected in the Council's reason for refusal or on its appeal submission. This discussion in itself is not unreasonable, provided that the Council's decision is founded on the development plan and on the National Planning Policy Framework, which has been the case.
 10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Terceiro

INSPECTOR