



Costs Decision

Site visit made on 2 January 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

**Costs application in relation to Appeal Ref: APP/V3120/D/24/3355551
19 Harwell Road, Sutton Courtenay, Abingdon, Oxfordshire, OX14 4BN.**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Page for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal of an application for planning permission for erection of extension to ancillary building to form a granny annexe and carers room without complying with conditions attached to planning permission Ref P17/V1770/FUL, dated 15 August 2017.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. For the Appellant, it is claimed that the Council unreasonably made vague, generalised and confused assertions about the appeal development, unsupported by objective analysis, failing to substantiate the reason for refusal; and also that the Council failed to take into account, as a material consideration, a subsequent implemented approval, Ref P18/V00056/FUL, which further modified the appeal building. It is asserted that the application should have been approved and that the refusal gave rise to an unnecessary appeal, resulting in wasted expense by the Appellant.
4. The application was refused for reasons of excessive bulk and massing resulting in a detached annexe of poor design, no longer subordinate or ancillary in scale and detracting from the appearance of the main dwelling and visual amenity of the immediate street scene.
5. Following protracted correspondence with the Council, the application expressly sought a variation of the conditions of permission Ref P17/V1770/FUL. Nevertheless, I agree with the Appellant that, in the appeal, it was unreasonable that the Council took the 2017 approval as its baseline for assessment and not the later implemented 2018 permission, which was clearly a relevant material consideration.
6. In other respects, I disagree that the Council failed to substantiate its reason for refusing the application. Sufficient evidence was put forward to facilitate a fresh

assessment of the design and visual impacts of the building, as completed, as well as its visual and practical relationship to the host dwelling. Even though the Council did not expressly rely upon the legal judgments cited by the Appellant, evidence supporting the refusal allowed for the material factors relating to the relationship between the buildings to be appraised.

7. The Council was entitled to its judgements that the building had become too bulky and no longer properly subordinate. The refusal did not therefore result in an unnecessary appeal and in practical terms the failure of the Council to recognise fully the intervening 2018 approval did not affect the issues that the appeal needed to address.
8. It follows that, whilst there was a degree of unreasonable conduct on the part of the Council, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

B J Sims

INSPECTOR