

Pins Ref 3168319	Woodside, Wantage Road, Leckhampstead	Replacement of an existing dwelling and associated buildings, change of use of part of the land from agricultural to residential and the change of use of part of the land from residential back to agricultural.	Dele. Refusal	Costs application. Dismissed. 28.08.2014
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Reasons

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.

The application which led to the appeal was a re-submission of a previously refused proposal, which the appellants had hoped would address the Council's concerns. It is reasonable to expect that a planning authority will treat like applications in a like manner, and the Guidance, in dealing with behaviour that may lead to an award of costs against appeal parties, sets out examples of behaviour that may lead to an award of costs against planning authorities, one of which is not determining similar cases in a consistent manner.

The reason for refusal for the previous application referred to the size and scale of the proposed replacement dwelling and its effect on rural character and did not specifically refer to siting, other than in a recitation of the aims of relevant policies. However, the delegated report did refer to siting, indicating that the siting of the dwelling further up the hill was in a more prominent location, and therefore the appellants would have been aware of this concern.

Whilst it would have been helpful if there had been greater clarity in the wording of the first refusal, the Inspector did not consider that the Council's decision to refuse the second application was not inconsistent with the previous decision, in that it is axiomatic that an impact on landscape and rural character will include a consideration of siting, as well as size and design.

Moreover, the issue of size and design was a fundamental concern in both refusals and even if siting had not been referred to in the refusal which led to the appeal, it would not have avoided an appeal, and thus the decision did not result in the appellants incurring unnecessary costs.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for an award of costs therefore failed.

Decision

The application for an award of costs is refused.

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