Appeal Decision

Hearing held on 1 November 2005

by Simon Rawle BA (Hons) Dip TP MRTPI Solicitor

an Inspector appointed by the First Secretary of State

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Date 25 NOV 2005

Appeal Ref: APP/X0360/A/04/1162950
Remenham Farm, Remenham, RG9 3DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by T:A Copas Family Settlement Trust against the decision of Wokingham District Council.
- The application Ref F/2002/7868, dated 14 October 2002, was refused by notice dated 28 April 2004.
- The development proposed is to convert agricultural barns to B1 and B8.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

2. Although originally the application was submitted in outline, it was changed to a full application. It is on this basis that I have determined the appeal. In addition, following submission but prior to the Hearing, certain plans were amended. The main change involved the removal of a building identified as the Caretakers House from the appeal site. The parties confirmed that the appeal should be determined on the basis of the following plans, CRF 11C, CRF 12E, CRF 14A, CRF 15C, CRF 16B, CRF 17B and CRF 18.

Main Issues

3. I consider that the main issues in this case are:

- Whether the proposed development represents inappropriate development within the Green Belt and if so whether other considerations are sufficient clearly to outweigh any harm resulting from the proposal;

- The effect of the proposal on the character and appearance of the area which is within the Remenham Church Conservation Area;

- Whether the proposal would have an adverse impact on highway safety and the free flow of traffic;

- Whether the proposal would result in the provision of development in an unsustainable location; and

- Whether contributions are required to mitigate the impact of the proposal.

Planning Policy

4. The development plan for the area includes the Berkshire Structure Plan 2001-2016, 2005 and the Wokingham District Local Plan, 2004. I set out below the most relevant development plan policies. Structure Plan Policy DP 3 sets out that within the Green Belt, with certain exceptions new buildings will not be permitted except in very special circumstances. Structure Plan Policy DP 4 seeks to ensure that additional infrastructure, services or facilities made necessary by development are provided or will be provided at the appropriate time. Structure Plan Policy EN1 seeks to ensure that the distinctiveness of the landscape character of an area will be maintained. Structure Plan Policy EN4 seeks to conserve and enhance the historic environment. Structure Plan Policy E3 seeks to ensure the provision of a variety of flexible and appropriate accommodation for a range of economic activities. Structure Plan Policy T1 seeks to ensure that development is concentrated in the major towns to assist the objective of urban regeneration and to reduce the need to travel, especially by car. Structure Plan Policy T4 advises that all development will take appropriate measures to offset any adverse effect it has for the transport network. The policy goes on to advise that development which generates a significant number of trips should include the promotion of sustainable alternative modes of travel to the private car and should take other steps to minimise the pressure on the transport network.

5. I turn now to consider the local plan. Policy WOS1 seeks to ensure development is sustainable and improves the quality of life within the plan area. Policy WOS3 advises that development proposals which are acceptable in principle should also, amongst other things, be appropriate in scale of activity and character to the area, have no detrimental impact on important landscape and nature conservation features, be located so as to reduce the need to travel and encourage alternatives to the car, have no significant effect on road safety or cause highway, traffic generation or traffic related environmental problems and be of a high quality of design that respect the local context.

6. Policy WOS4 seeks to ensure that new development should provide the necessary infrastructure needed to support the development. Policy WOS10 seeks to preserve and/or enhance the character of conservation areas. Policy WCC1 advises that development outside defined settlement boundaries will be strictly controlled. The Policy goes on to set out that the re-use and adaptation of existing buildings is a type of development that is acceptable in principle. Policy WLL2 advises that within areas of special landscape importance development will not be permitted that would have a detrimental impact on the character of the area. Policy WLL3 advises that within the Thames Valley and its setting, development will not be permitted that would have a detrimental impact on the character of the Thames Riverside and its surrounding area.

7. Policy WGB1 advises that there will be a presumption against inappropriate development in the Green Belt and that development should not compromise the open character of the Green Belt. The policy does set out certain exceptions which may be acceptable including the re-use and adaptation of existing buildings in accordance with Policy WGB5. That Policy advises that development will not be permitted if the new use and any associated uses have a materially greater impact than the present use on the openness of the Green Belt. Amongst other things, Policy WBE1 seeks to achieve a high standard of design and layout which makes efficient use of buildings. Policy WHE2 advises that development within a conservation area should preserve or enhance those features that contribute to its distinct character of appearance. Policy WRE2 sets out that the re-use and adaptation of rural buildings for commercial uses will be acceptable if the form, bulk and general design of the building is in keeping with its surroundings, the building is suitable for the proposed use without major rebuilding or alteration and there are no other overriding objections.

8. Policy WT1 seeks to ensure that major development is located on sites that are capable of being well served by public transport. Policy WT3 advises that all traffic generating development will need to facilitate alternative modes of transport in addition to the private car. Amongst other things, Policy WT5 advises that development that would generate traffic of a type or quantity detrimental to the character of the rural roads in the locality will not be permitted. Policy WT7 seeks to promote road safety for all road users.

9. Another important material consideration in this case is the national planning guidance provided in Planning Policy Guidance: Green Belts (PPG 2). PPG 2 advises that the most important attribute of Green Belts is their openness. The PPG goes on to advise that within the Green Belt there is a presumption against inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. The re-use of buildings inside a Green Belt is not inappropriate development providing, it does not have a materially greater impact than the present use on the openness of the Green Belt, strict control is exercised over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt, the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction and the form, bulk and general design of the building is in keeping with their surroundings.

Reasons

Background

10. The appeal site comprises a group of existing barns located within a prominent position clearly visible from the public footpath that runs along the River Thames. It is located within the Remenham Church Conservation Area and the Green Belt and is within an area designated as Thames River Valley and is within an Area of Special Landscape. The appeal proposal would involve the change of use of the existing barns to provide 789 sq. m of B1 use and 244 sq. m of B8 use.

Green Belt Matters

11. Relevant development plan policies and PPG 2 advise that development within the Green Belt is inappropriate unless it falls within a particular exception. One exception is the re-use of buildings, subject to meeting certain criteria.

12. The re-use of the existing buildings would not prejudice the openness of the Green Belt since they are already there. I note that the proposal would involve the provision of 36 car parking spaces. Poorly located and designed car parking can have a significant impact on the openness of the Green Belt. However, that is not the case here. Half of the car parking would be contained within a courtyard and would have limited impact on openness. The remainder would be located near to the proposed access. This area would be adequately screened and includes an area that is already hard-standing. As a result, the proposal would not have a materially greater impact than the present use on the openness of the Green Belt.

13. From my observations on the site visit, I am satisfied that the existing buildings are of a permanent and substantial construction. The proposed alterations would largely be cosmetic. Amongst other things, the proposed development would involve the replacement of a corrugated roof, the introduction of glazing and the rebuilding of an existing wall which comprises block work and timber. Such works cannot be described as a major rebuilding or alteration of the barns. Therefore they are capable of conversion without major or complete reconstruction. Moreover, the form, bulk and general design of the building is in keeping with their surroundings.

14. I therefore conclude that the proposal does not represent inappropriate development within the Green Belt.

Character and Appearance

15. It is common ground that the existing barns form an attractive group of buildings that make a positive contribution to the character and appearance of the conservation area. However, over time there have been some insensitive alterations. For example, part of the roof of the barn closest to the river has been replaced with a corrugated material rather than traditional tiles. It is proposed that this roof would be reinstated. The Council confirmed that this would improve the appearance of the barns. I agree. Moreover, the proposed landscaping would also help to visually improve the area.

16. I was advised at the Hearing that the former use of the barn fronting the river was for cart sheds which traditionally had openings facing the river. The proposal seeks to replicate this by proposing to replace the temporary wooden panels with glazing. To my mind, the use of glazing would respect the agricultural heritage of the building and would provide an interesting and appropriate façade in this sensitive and prominent setting. In addition, given the existence of security lights that already light this elevation, light spillage from these windows would not harm the character and appearance of the area. Furthermore, cars passing each other would not have such an adverse impact on the existing verge to justify dismissing the appeal.

17. The proposal would achieve a high standard of design and layout which would make a more efficient use of buildings than the present situation. Moreover, the proposed development would preserve and enhance the character and appearance of the Conservation Area. I therefore conclude that the proposal would not harm the character and appearance of the area. Accordingly the proposed development accords with the relevant development plan policies.

Highway Safety and the Free Flow of Traffic

18. Traffic coming to and from the appeal site would mainly use Remenham Lane, although some drivers would also use Remenham Church Lane. Both of these roads are predominantly single track with passing places. The appellant advised me at the Hearing that they had assumed a split of 31% of traffic using Remenham Church Lane with the remainder using Remenham Lane. This is a reasonable estimate. In terms of movements, the appellant has estimated that there would be 12-15 movements during each of the morning and evening peak hours. At the Hearing, the Council advised me that they considered that a more reasonable estimate would be 20 movements. The Council also advised me that a survey of the existing traffic situation was undertaken between 0800 and 0900 on 5th November 2004. This recorded 23 southbound movements and 1 northbound movement. I have determined the appeal on the basis of the Council's figures.

19. I travelled to the appeal site via both roads during the morning and the evening peak hours and I observed that the vehicles travelling in the opposite direction appeared to take the road conditions into account and were not travelling at an excessive speed. I also managed to pass vehicles travelling in the opposite direction without reversing, although I did have to wait in a passing bay for cars to pass.

20. The proposal would undoubtedly result in more traffic using Remenham Church Lane and Remenham Lane. This would result in more vehicles travelling in opposite directions meeting. I have also taken account of the fact that the roads flood from time to time. Due to the width of the existing lanes the existing road network is not ideal. However, even using the Council's figures, the traffic generated by the proposed development would be modest. As a result, the

additional impact on the road network would not be significant. Therefore, there would not be an unacceptable impact on the free flow of traffic or on highway safety. Nor would the proposal result in an unacceptable increase in risk to walkers, equestrians or cyclists. Accordingly, the proposal would not conflict with development plan policies or with national planning advice.

Sustainable Development

21. I turn now to consider whether the proposed development in this location would result in the provision of development in such an unsustainable location as to justify dismissing the appeal. Although, Henley can be reached by foot and bicycle via the riverside footpath, given the distance involved I do not consider it likely that future employees would regularly walk or cycle to work. However, outside urban areas it is reasonable to expect that there would be more reliance on private cars for transport. In addition, the appellant has proposed a travel plan which includes the provision of a mini bus service to transport employees to a local railway station and the promotion of a car sharing scheme. I consider that such a travel plan secured by condition would ensure that reliance on private cars for transport is reduced. Accordingly, the proposed development would not foster such a significant growth in the need to travel as to justify dismissing the appeal. I also consider that the level of car parking proposed is sufficient to serve the proposed development.

22. Taking account of the proposed travel plan, I conclude that the proposal would not result in the provision of development in such an unsustainable location to justify dismissing the appeal. Accordingly, the proposal would not unacceptably conflict with development plan policies or with national planning advice.

Contributions

23. The Council have highlighted that the certain infrastructure, service and facilities would be required as a result of the proposed development and that a contribution in the order of £30,000 would be appropriate. In the Officer's Report to Committee, the Council advised that this sum would be required for improvements to local roads, such as passing places. However, at the Hearing, the Council advised me that they no longer recommended that additional passing places should be provided. The Council also advised me that the sum was a lump sum gesture nominally towards addressing the impact of the proposal. The Council did suggest certain improvements, however, no concrete proposals had either been formulated or been costed. As a result, the Council have provided insufficient evidence to establish that the contribution is needed to enable development to take place, is directly related to the proposed development and is fairly and reasonably related in scale and kind to the proposed development.

24. Having taken account of the advice contained in Circular 05/2005 – Planning Obligations I conclude that the fact that the appellant has not provided the requested contribution does not justify dismissing the appeal. Accordingly, the proposal does not conflict with the relevant development plan policies or with national planning advice.

Other Matters

25. I have taken account of all other matters raised including the fact that a number of neighbouring residents have expressed concern that the proposed development would have an adverse impact on their living conditions as a result of noise and disturbance. However, having taken account of the proposed future use of the site I do not consider that the increased activity on site, or the additional traffic coming to and leaving the site would result in an unacceptable level of noise and disturbance to neighbouring residents.

26. I also note that the National Trust is the beneficiary of a restrictive covenant and that they would need to give their approval to allow the proposed development to proceed. This is a matter between the appellant and the National Trust and the fact that a restrictive covenant exists is not a planning matter.

Conditions

27. I have considered the conditions suggested both prior to and during the Hearing having regard to the advice in Circular 11/95 – The Use of Conditions in Planning Permissions.

28. In order to ensure that the character and appearance of the area is preserved, it is important that appropriate materials are used. I shall impose a condition in this regard. Similarly, the appeal site is located in a prominent position both within the village and on the banks of the River Thames. Inappropriate lighting could have a significant adverse impact on the character and appearance of the area. It is therefore necessary to impose a condition in respect of lighting on the appeal site. For the same reasons, the inappropriate storage of materials, containers or equipment could have a detrimental impact on the character and appearance of the area and it is therefore necessary to impose a condition in this regard.

29. Due to the location of the appeal site close to existing residential development it is reasonable to restrict the times that construction work can be undertaken. Notwithstanding the concerns expressed by neighbours, I consider that it is reasonable to allow construction to take place on Saturday morning. Due to the prominent location of the appeal site a condition in respect of landscaping is reasonable and necessary. In light of the fact that a condition in respect of materials will be imposed it unnecessary to impose separate conditions in respect of joinery and glazing. Moreover, as I have concluded that the existing buildings are of a permanent and substantial construction I do not consider that a structural survey is necessary.

30. Due to the proposed use of the site for B1 and B8 uses it is not necessary to impose a condition in relation to the enclosure and/or noise attenuation of all plant, machinery and equipment. However, due to the proximity of the appeal site to residential dwellings I consider that a condition restricting deliveries to and from the appeal site is reasonable and necessary in order to protect the living conditions of neighbours. I am also satisfied that such a condition would be enforceable. I also consider that due to the sensitive location of the appeal site there are exceptional circumstances in this case to make it necessary to impose a condition to restrict permitted development rights to extend the premises. Finally, for the reasons outlined above, it is necessary and reasonable to impose a condition requiring the implementation of a travel plan. The Countryside Officer (Biodiversity) has advised that the existing barns have the potential to act as roost sites for bats. In the Officer's Report to Committee, the Council set out that a bat survey prior to determination would have been onerous, but that a condition requiring a survey was recommended should the application be approved. Although there is no evidence that bats or their roosts are present at the site, in light of the fact that bats are a protected species I consider that an appropriate condition is both necessary and reasonable.

31. Where necessary, in the interests of precision and enforceability, I will adapt the conditions having regard to the advice in Circular 11/95.

Conclusions

32. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

33. I allow the appeal, and grant planning permission to convert agricultural barns to B1 and B8 at Remenham Farm, Remenham. RG9 3DB in accordance with the terms of the application, Ref F/2002/7868, dated 14 October 2002, and the plans numbered CRF 11C, CRF 12E, CRF 14A, CRF 15C, CRF 16B, CRF 17B and CRF 18, subject to the following conditions:

1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.

2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

4) No construction work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Monday to Friday, between 0830 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.

5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

6) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

7) No deliveries shall be taken at or despatched from the site outside the hours of 0700 and 1900 on Monday to Saturday nor at any time on Sundays, Bank or Public Holidays.

8) No materials, containers or equipment shall be stored on the site outside buildings except for refuse contained within suitable refuse storage units.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other buildings other than those expressly authorised by this permission shall be constructed at the site without the prior written consent of the local planning authority.

10) No development shall take place until a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall include proposals to promote alternative forms of transport to and from the site, other than by the private car, shall include a programme of implementation and provide for periodic review. The travel plan shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

11) Before any development commences a bat survey report shall be carried out by a suitably qualified person to (i) establish the presence or otherwise of bats in the barns to be converted and (ii) if bats are present in the barns to make recommendations as to their protection and retention on the site. The survey report shall be submitted to and approved in writing by the local planning authority before any development commences. If the survey report detects the presence of bats then the development hereby permitted shall take this into account and provide for the necessary protection and or relocation of the protected species in accordance with the recommendations of the survey report.



INSPECTOR

Information

34. Attention is drawn to the requirements of section 76 of the Town & Country Planning Act 1990 concerning provisions for the benefit of persons with disabilities.

APPEARANCES

FOR THE APPELLANT:

M. Evans	Evans Planning and Development, 18 Webb Court, Wokingham, Berkshire, RG40 5YR
N. Anderson	Faber Maunsell, Marlborough House, Upper Marlborough Road, St Albans, AL1 3UT
J. Smith	James Smith Associates, Tavistock House, Waltham Road, Woodlands Park, Maidenhead, SL6 3NH
T. A and F Copas	Kings Coppice Farm, Grubwood Lane, Cookham, SL6 9UB
Mrs B Copas	The Mount Farm, Choke Lane, Pinkneys Green, Maidenhead, SL6 6PL

FOR THE LOCAL PLANNING AUTHORITY:

E. Circuit	Wokingham District Council
S. McMillan	Wokingham District Council

INTERESTED PERSONS:

Dr. J Halsall	Cherwell, Remenham Lane, Remenham, RG9 3DB
P. Sly	Old Blades, Remenham Lane, Remenham, RG9 3DB
N and J Gray	Remenham Farmhouse, Henley on Thames, RG9 3DB
S and A West	Remenham Manor, Henley on Thames, RG9 3DB
R. E Gibson	Representing the National Trust, Hughenden Manor, High Wycombe, Bucks, HP14 4LA
M. Dudley	The Reach, Remenham Lane, Henley, RG9 3DD

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Consultation response from the Council's architect
Document	3	Policies of the Berkshire Structure Plan 2001-2016, 2005
Document	4	Policy E3 of the Berkshire Structure Plan 2001-2016, 2005
Document	5	Additional Proposed Conditions
Document	6	Application for an Award of Costs on behalf of the appellant
Document	7	Letters of representation in respect of the proposed development

PLANS

Plan	A	CRF 11C
Plan	B	CRF 12E
Plan	C	CRF 14A
Plan	D	CRF 15C
Plan	E	CRF 16B
Plan	F	CRF 17B
Plan	G	CRF 18

Costs Decision

Hearing held on 01 November 2005

by Simon Rawle BA (Hons) Dip TP MRTPI Solicitor

an Inspector appointed by the First Secretary of State

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Date 25 NOV 2005

Costs application in relation to Appeal Ref: APP/X0360/A/04/1162950
Remenham Farm, Remenham. RG9 3DB

- 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 T. A Copas Family Settlement Trust for a full award of costs against Wokingham District Council.
- The hearing was in connection with an appeal against the refusal of an application for planning permission to convert agricultural barns to B1 and B8.

Summary of Decision: The application fails and no award of costs is made.

The Submissions for the Appellant

1. The application seeks a full award of costs and is made on the basis that the Council behaved unreasonably and relies on Circular 8/93, Annex 3, paragraphs 8 and 15.

2. The applicant highlights that the reasons for refusal provided by the Council are not precise, specific and relevant to the application. More particularly, the applicant considers that in reaching the conclusion that the proposal would have an adverse impact on the character and appearance of the area the Council have misunderstood the proposed car parking arrangement and have assumed that no activity at all could or should take place at the site. In addition, they consider that the Council's view that additional traffic movements would adversely affect the character of the area is flawed as the effect would be relatively limited, confined to peak hour periods and would not be significantly different from any other site where rural buildings have been re-used for commercial purposes. Moreover, the applicant highlights that the Council's objection to passing bays on appearance grounds is unreasonable as such features are a common feature in rural areas and are discreet and unobtrusive. Furthermore, in objecting to the glazed element proposed for the north western elevation, the applicant considers that the Council has paid no regard to material considerations and has sought to impose its taste without good reason.

3. In relation to Green Belt matters, the applicant considers that the Council's approach is flawed as they did not take proper account of the advice in Planning Policy Guidance: Green Belts (PPG 2) and that they unnecessarily requested that a structural survey should be provided.

4. In respect of highway safety and the free flow of traffic, the applicant considers that the Council's case is poor as there have been no significant accidents along the relevant roads, they have not taken account of existing traffic movements or movements that could take place at the site. Furthermore, in respect of whether the appeal site is located in a sustainable location, the applicant considers that the Council have merely relied on the distance from public transport without proper regard to other national planning policies

which weigh in favour of the proposal. The applicant also highlights that the Council have taken an inconsistent approach as it had allowed other schemes in more remote locations.

5. The appellant highlights that the Council have not adequately justified the need for the payment of a contribution for services and infrastructure and have failed to provide sufficient evidence that their request meets the relevant tests contained within Government Guidance.

6. Finally, the applicant considers that the Council have been unreasonably influenced by the level of objections raised by local residents and interested parties which are not founded on valid planning reasons supported by substantial evidence.

The Response by the Council

7. The decision was not unreasonable and the Council did provide sufficient evidence to substantiate its reasons for refusal. In particular, the Council highlights that they had not misunderstood the car parking arrangement but rather consider that the proposed arrangement would have an adverse impact on the character and appearance of the area. Furthermore, the Council's concerns in relation to the north-west elevation are reasonable given the prominent location of the appeal site.

8. In relation to Green Belt considerations, an appropriate assessment has been undertaken and the Council consider that it was reasonable to request a structural survey in order to ascertain whether the proposal would result in major rebuilding.

9. The Council highlight that the proposed development would result in an increase in traffic. This would have an adverse impact on the character and appearance of the area and on highway safety. The Council set out that there is development plan policy requiring contributions to be paid which are justified due to highway and sustainability concerns. Although, the actual requirements have not been costed, the amount requested is appropriate. The Council accept that the existing barns make a positive contribution but this fact does not justify harmful development within the Green Belt.

10. The Council sets out that it determined this application on its own merits and the fact that it has granted permission elsewhere does not justify permitting this development. They also do not agree that they have been influenced by local residents. Rather, they consider that they had made their decision on valid planning grounds.

Conclusions

11. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

12. The Council's reasons for refusal were supported by relevant development plan policies. The Council has submitted a reasoned written statement which fully covers the reasons for refusal.

13. In terms of character and appearance, the Council have set out the impact that they consider the proposal would have and the reasons for reaching that conclusion. Notwithstanding that I have determined that there would not be an unacceptable impact, it is a matter of

judgement. Although I do not agree with their view, it is not unreasonable for them to express such concerns and to conclude that the proposal should be rejected on that basis.

14. Although the Council have not referred in great detail to the advice contained in PPG 2, the up to date development plan sets out relevant Green Belt policies which clearly reflects the national planning advice contained in PPG 2. The Council cross referenced their arguments in relation to their Green Belt concerns to this up to date policy. Therefore, the Council's approach is not unreasonable. Similarly, although I concluded that a structural survey was not necessary, I do not think that it was unreasonable for the Council to request one to assist them in determining whether the buildings were of a permanent and substantial construction.

15. In relation to highway safety, the proposal would result in additional traffic generation. Due to the width of the surrounding roads this is a concern. However, for the reasons set out in my decision notice I have concluded that highway considerations do not justify dismissing the appeal. However, the concerns expressed by the Council are legitimate and therefore cannot be described as unreasonable. Equally, the appeal site is not in a particularly sustainable location. This is reflected by the fact that the appellant has proposed a traffic plan. I have formed a different view to the Council in relation to whether the location of the appeal site is fatal to the scheme. However, the Council's view is not unreasonable.

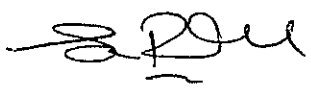
16. The issue that has given me the most concern is the Council's rejection ground in relation to the need for a contribution for services and infrastructure. Certainly the Council have not adequately justified the amount requested. However, they did set out why a contribution was necessary and supported their reasoning with reference to the relevant development plan policies. As a result I do not consider that an award of costs against the Council is justified.

17. It is clear from my decision that I do not share the Council's concerns in relation to this proposal. Nevertheless, I consider that the Council has acted reasonably. At the Hearing, the Council presented their case in a logical and professional manner. Therefore, I consider that the reasons for refusal are complete, precise, specific and relevant to the application. In addition, there was no evidence to suggest that that the Council were unreasonably influenced by the objections raised by local residents and interested parties or that they have acted in an unreasonably inconsistent manner.

18. I find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated. I therefore conclude that no award of costs is justified in this appeal.

Formal Decision

19. I refuse the application for an award of costs.



INSPECTOR