
Costs Decision

Site visit made on 10 July 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 July 2017

Costs application in relation to Appeal Refs: APP/Q3115/W/17/3170597, APP/Q3115/Y/17/3170598.

The Old Forge, High Street, Tetsworth, Oxon OX9 7AB

- 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 Henry Bruce Robertson, Hines of Oxford for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for change of use and conversion into a two bedroom dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
3. The costs application is based on two main grounds: (i) the refusal of the appeal scheme contrary to the recommendation of the Planning Officer and comments of other consultees; and (ii) the actions of the Planning Committee during their decision making process.
4. On the first ground, although I understand the sense of frustration the members of the Council are entitled to come to a different conclusion to the recommendations of their professional officer. The reasons for refusal of the application are clear and precise and have been supported with substantive evidence at the appeal. While the consultees listed by the appellant had no objections to the proposal, objections were received to the application from other sources.
5. The appellant describes the procedure at the planning committee, including an error made by the Committee chairman in counting the votes in favour and against the proposal. While I can sympathise with the situation in that the appellant initially thought that their scheme was allowed, it appears from the limited evidence that I have that the application was ultimately decided in a democratic manner based on the number of votes cast.
6. I do not consider therefore that the Council have behaved unreasonably in relation to the appeals before me, and consequently I find that unreasonable

behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Jon Hockley

INSPECTOR