
Costs Decision

Site visit made on 27 June 2017

by David Walker MA MRTPI

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

Decision date: 25th August 2017

Costs application in relation to Appeal Ref: APP/Q3115/W/17/3170611 Land to the north of the A4130 (Oakley Wood)

- 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 Darren Coope for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for the creation of a new vehicular access.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only be awarded against any party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Although the planning application was supported by officers of the Council, the Planning Committee was not bound to accept the recommendation put to it. Members of the committee were entitled to draw from their own experiences and knowledge of local circumstances.
4. Only anecdotal evidence over prevailing traffic speeds was presented at the committee meeting but there was nothing conclusive within the application, or officer's advice, at that time to prove otherwise. Therefore, while the local highway authority did not request a speed survey the committee was under no obligation to defer a decision to allow further information to be provided.
5. In these circumstances the appeal would have been necessitated to test the decision of the Planning Committee and provide the speed survey data necessary to refute local perceptions of the road conditions.
6. I do not find the Council has acted unreasonably and no award of costs is justified.

David Walker

INSPECTOR