



Costs Decision

Site visit made on 1 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Costs application in relation to Appeal Ref: APP/Q3115/W/19/3224123 Colliers Farm, Grange Farm Road, Radnage HP14 4ED

- 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 R Griffiths for a full award of costs against South Oxfordshire District Council.
 - The application is in connection with an appeal against the refusal of planning permission for a replacement dwelling and garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The basis of the appellant's application for costs fall in to two distinct areas where they feel there has been unreasonable behaviour on the part of the Council:
 - The lack and quality of communication from the Council after determination to refuse the application, leading to an appeal having to be made.
 - That the Council's decision to refuse planning permission was influenced by a factual inaccuracy in the Council Planning Officer's report.

Communication

4. The Council acknowledges that its communication with the appellant following the determination to refuse the application was lacking. This lacking communication relates to delays in responding to requests by the appellant referring to the already determined application or the missing of deadlines imposed by the appellant. As the Council's decision notice dated 4 December 2018 were specific, clearly defined and referred to relevant policies I am satisfied that the Council, although lacking in its communication, has acted reasonably in proceeding with the issuing of the decision notice without full communication with the appellant. As this was

reasonable, I do not find that this behaviour led to the appellant having to commence the appeal process and therefore incur unnecessary costs.

Factual inaccuracy in the Council Planning Officer's report

5. The appellant states that the Council has behaved unreasonably, as its decision to refuse planning permission was influenced by a factual inaccuracy in the Council Planning Officer's report, in asserting that a development operation had not occurred in relation to the erection of the existing dwelling on site.
6. In its response to the application for costs, South Oxfordshire District Council has acknowledged that the Council Planning Officer's report was inaccurate in this regard. As I have set out in my main decision, it was previously acknowledged by the Inspector in an earlier appeal decision¹ that, in the erection of the existing dwelling on site, an operational development had been carried out and planning permission was granted for the erection of a building, subject to an agricultural occupancy condition.
7. This factual error by the council related to the history of the existing building on site is neither procedural or substantive, in that, regardless of whether operational development had taken place in the erection of the existing building, planning permission for the proposed replacement dwelling would be required.
8. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, I find that the Local Planning Authority were not unreasonable in coming to that decision and issuing the decision notice accordingly, and, following consideration of the application on its merits alone, I have concurred with the Council's decision.
9. I therefore conclude that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Conclusion

10. For the above reasons an award of costs is not justified

Victor Callister

INSPECTOR

¹ Appeal ref: App/Q3115/c/14/3000215, 216, 217, 222, 226, 227