



Costs Decision

Inquiry opened on 26 March 2019

Site visits made on 6 August 2019

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 8th November 2019

Costs application in relation to Appeal Ref: APP/C3105/W/18/3209349 Land south of Widnell Lane, Piddington, Bicester, Oxfordshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr H L Foster for a full award of costs against Piddington Parish Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for development described as 'a material change of use of land to use as a residential caravan site for six gypsy families, each with two caravans, including improvement of the access and laying of hardstanding'.
 - The inquiry sat for six days: 26 March, 29-31 July, and 1 & 2 August 2019.
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Decision

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

Procedural matter

2. The main parties agreed that the appeal proposal should be described as a material change of use of land to a residential gypsy site comprising six pitches, each with two caravans, including improvement of the access and the laying of hardstanding.

The submissions for Mr H L Foster

3. The application was made in writing¹. The gist of the submissions is as follows. A full or partial award of costs is sought against the Local Planning Authority (LPA) and/ or Piddington Parish Council. Reliance is placed on matters set out in the Appellant's closing submissions.
4. The Parish Council has acted inconsistently in not addressing similar issues in a similar manner. Insofar as the Parish Council is concerned, reference is made to a proposal for a dwelling at Cowpastures Farm near Piddington Training Area, on which no issue about noise was raised. Development was delayed which should have been granted planning permission.

The response by Piddington Parish Council

5. The response to the costs application was made in writing (Document P8). The gist of the response is as follows. The application is inadequately particularised. An application for costs should identify the alleged unreasonable behaviour and paragraph 16-032 of Planning Practice Guidance

¹ Document A15, part 6.

- (PPG) requires that it must clearly demonstrate how this has caused unnecessary or wasted expenditure. The application for a full or partial award of costs against the LPA and/ or the Parish Council embraces just about everything, including overlapping claims for the same expenditure. However only paragraphs 6.1.6 & 6.1.7 of the application appear to include reference to the Parish Council. These paragraphs concerning delaying development which should have been granted permission and inconsistency relate to actions before the inquiry, and the application should have been made then. There is no good reason for its lateness.
6. Whilst the Parish Council objected to the planning application, there were also many other objections, including from the Ministry of Defence (MoD). The Parish Council did not cause the refusal of planning permission.
 7. The allegation of inconsistency refers to Cowpastures Farm. However the Parish Council's consultation response did not cause the LPA to refuse planning permission. In any event, the Parish Council was not inconsistent. The issue at Cowpastures Farm was not whether a noise sensitive receptor should be introduced to the area, but whether an existing noise sensitive receptor should continue to live there.
 8. The conduct of the Parish Council has been entirely reasonable throughout the proceedings. It acted reasonably in raising sustainability in its objection, and in presenting material about the practicality of securing connections for water and electricity, as the ability to secure main services is a planning issue by virtue of the Development Plan. If the application for costs is based on the Parish Council's evidence in relation to noise, there is a failure to acknowledge the importance of that evidence. The application should be refused.

Reasons

9. PPG advises that costs may be awarded where a party has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
10. The only clear references to the Parish Council's behaviour in the costs application are to inconsistency and to delaying development which should have been permitted. Whilst the Parish Council did not raise objection to the new dwelling proposed at Cowpastures Farm, which is much closer than the appeal site to Piddington Training Area, the circumstances differ from those of the appeal proposal. That scheme was for an agricultural worker's dwelling related to a livestock unit where temporary permission had already been granted for a dwelling, and where the main issue was whether there was an essential need for an agricultural worker to live at or near to the farm. I find that the Parish Council was not inconsistent in its approach when making representations on the appeal proposal.
11. The Parish Council submitted evidence on noise from two witnesses who gave details of their experience of noise from Piddington Training Area in proofs of evidence and orally at the inquiry. This evidence was augmented by written representations from local residents. Other matters about which it had raised concerns were also addressed in its proofs and at the inquiry. The Parish Council clearly explained its objection to the proposal, and its stance did not represent unreasonable behaviour. In any event, as a consultee on the planning application, the Parish Council was not responsible for the refusal of

planning permission, and it cannot be said to have caused any delay to the appeal proposal.

Conclusion

12. I conclude that Piddington Parish Council has not behaved unreasonably in respect of the appeal proposal, and, therefore, that neither a full nor a partial award of costs is justified.

Richard Clegg

INSPECTOR