



Costs Decision

Site visit made on 17 December 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Costs application in relation to Appeal Ref: APP/C3105/W/19/3237908 3 Denbigh Close, Banbury OX16 0BQ

- 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 Mrs Kerry Beckingsale for a full award of costs against Cherwell District Council.
 - The appeal was against the refusal of planning permission for change of use from HMO within Class C4 to 7 bed HMO (sui generis) and new access from Broughton Road.
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant states that the appeal was unnecessary as there was no requirement to provide any further spaces as part of the proposal. As a result, they consider that the misunderstandings and false expectations on the part of the Council have resulted in time delays and frustration.
4. The officer report demonstrates how the proposal would result in harm to highway safety and why parking provision is required, using the the appellant's submissions, the Council's observations and evidence from third parties. The appellant suggests that they were not provided with an officer report with the decision notice. I note that it is not the Council's usual working practice to send the officer report with any decision, as it is not a statutory requirement to do so. Nevertheless, the decision notice advises that the officer's report can be obtained from the Council's website.
5. The appellant states that the proposal for the rear access was put forward as a potential proposal, should it be required, as it was acknowledged with a previous planning application refusal for a similar scheme on the site that further spaces may be required. The access is clearly shown on the submitted plans and it is evident that additional parking spaces were considered necessary by the Council in order to meet the needs of the proposed development.
6. It is clear that the appellant was aware of the Local Highway Authority's objection prior to the Council's determination of the application and sent in a

letter in response. For the reasons set out in the appeal decision, I too have concerns regarding highway safety.

7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, therefore it was not the case that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development, which justified its decision. The appellant had to address those concerns and the evidence of third parties in any event.
8. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Council was not unreasonable in coming to that decision, and indeed following consideration of the application on its merits, I have concurred with the Council.
9. The Council has stated that at the time of the appeal, rooms at the property appear to be complete, furnished and being advertised for rent. However, this is not a determinative matter for this costs appeal.
10. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

D Peppitt

INSPECTOR