



Costs Decision

Site visit made on 20 January 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Costs application in relation to Appeal Ref: APP/V3120/W/19/3239078 70 Cumnor Hill, Oxford OX2 9HU

- 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 Lucy Developments Ltd for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal of planning permission for the demolition of the existing dwelling. Erection of a 2 storey building with 6 flats (6 x 2 Bed) with 12 off-street parking spaces and associated amenity, refuse and cycle stores. Erection of 2 x 1.5 storey 4 Bedroom houses with double car ports and off-street parking (min. 3 spaces per house).
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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. This application claims unreasonable behaviour by the Council in terms of failing to provide evidence to substantiate the refusal reason and making vague assertions about the impact of the proposal.
3. The Council's officers recommended that planning permission be granted for the proposed development. While the Council is not duty bound to follow the advice of its officers, it has to demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
4. In support of its case, the Council initially submitted a letter that describes the character of the area, sets out relevant policies and guidance and explains why it considered the proposal would harm the character and therefore fail to comply with the policies. A further letter has been submitted that provides a response to the appellant's appeal statement. The fact that the evidence has been provided in the form of letters rather than an appeal statement has no effect on its validity or purpose. The contents of the letters represent the Council's evidence to substantiate the refusal reason and therefore it has not failed to provide such evidence.
5. The refusal reason is complete, specific and relevant to the proposal. It clearly states the development plan policies on which it would rely and the reasons why the Council found the proposal would be contrary to the policies. The comments submitted in response to the appeal include comparisons between

the proposed development and the characteristics of the area to help justify the Council's case. As such, the Council's concerns with the proposal are not vague or imprecise and its case is supported by objective assessment. The effect of the proposal on the character of the area is a matter of judgement and whilst I have arrived at a different conclusion on the issue, the evidence demonstrates the Council has not been unreasonable in refusing permission.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is therefore not justified.

Jonathan Edwards

INSPECTOR