
Costs Decision

Site visit made on 22 October 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Costs application in relation to Appeal Ref: APP/D3125/W/19/3234142 65 Mayfield Close, Carterton OX18 3QS

- 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 Lamb & Haines Investments Ltd for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for an attached dwelling, parking and access.
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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.
3. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action and introduced a highway concern without adequate justification and gave undue weight to representations made by local residents.
5. I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of planning judgement. Whilst Council Members have taken a different view from that of their officers, they are not duty bound to follow the advice of their officers, provided that there are sufficient planning grounds to come to a contrary view.
6. As seen from my decision I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision relating to the impact on the character and appearance of the area. I acknowledge that additional concerns relating to highway impact were introduced, despite no objection from the Highways Authority. Whilst I have agreed with the appellant on this ground, in coming to my decision, it is

apparent to me that the Council had legitimate concerns based on the evidence provided and has substantiated its position on appeal rather than vague, generalised or inaccurate assertions.

7. As a result, it follows that I do not agree that the Council has given undue weight to local representations or acted unreasonably in this case given the concerns relating to the proposal.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, and having had regard to all other matters raised, an award of costs is not justified.

B Thandi

INSPECTOR