
Costs Decision

Site visit made on 18 March 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Costs application in relation to Appeal Ref: APP/Q3115/W/19/3243524 Milton House, Station Yard, Thame OX9 3UH

- 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 S Finklestein (Goldspark [Thame] Ltd.) for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for development described as the 'erection of a second floor roof extension to the building, providing a further two flats (Amendments to the application received 1st August 2019, reducing the size of the proposed extension, adding the previously approved first floor balcony and demarcating the parking spaces)'.
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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 where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The applicant claims that the Council's lay committee members wilfully ignored the advice of their professional officers in refusing a scheme that clearly accords with relevant local and national policy. In so doing, they have prevented development which should clearly have been permitted.
3. I note that the decision of the Council was made by members of the planning committee contrary to the advice of its planning officers. However, the members are not bound by their officers' professional advice. Members were provided with a detailed report setting out the material considerations and the objections received, including those objections from Thame Town Council. Furthermore, the main issue is a matter of planning judgement and in my Appeal Decision I have agreed with the Council's decision. Moreover, I find that the reason for refusal as set out within the Council's formal Decision Notice is clear and references relevant local and national policies, as well as, local design guidance. Additionally, the Council's appeal evidence adequately substantiates the reasons for refusal.
4. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

James Taylor

INSPECTOR