



Costs Decision

Site visit made on 4 December 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2020.

Costs application in relation to Appeal Ref: APP/D3125/W/19/3235474 Clover Court, Bushey Drive, Clanfield, Bampton OX18 2TS

- 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 Stewart Brothers Property for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for an outline application for 4 dwellings with 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 appellant states that the appeal was unnecessary as the Council acted unreasonably in its consideration of whether or not the site constitutes previously developed land, the interpretation of "open space" and the inclusion of Policy OS4 in the reason for refusal relating to design. Furthermore, there were other material considerations that the Council failed to take account of when reaching its decision.
5. I acknowledge the appellant's comments in relation to previously developed land, open space and design matters. However, in my view, these are matters of planning judgement for the decision maker to come to a view on based on the individual merits of the case. I appreciate that refusal of the planning application before the additional information could be submitted will have been a disappointment to the appellant. However, based on the information before me I find that the Council has not failed to properly evaluate the application or consider the merits of the scheme. Therefore, I find that the Council were not unreasonable in coming to their decision.

6. Whilst I have not sided with the Council with regard to the merits of the development proposal they produced a largely cogent report and a decision notice which detailed the reason for refusal. The reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the West Oxfordshire Local Plan that the proposal would be in conflict with. The Council has substantiated its position at appeal rather than making vague, generalised or inaccurate assertions.
7. 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, an award of costs is not justified.

B Thandi

INSPECTOR