



Costs Decision

Site visit made on 28 July 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Costs application in relation to Appeal Ref: APP/C3105/W/19/3242236 Land South of Clifton Road, Deddington OX15 0TP

- 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 Rob Dickson of Harcourt (Deddington) Limited for a full award of costs against Cherwell District Council.
 - The appeal was against the refusal of outline planning permission for the residential development of up to 15 dwellings with all matters save for the means of access reserved for subsequent approval.
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Decision

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

Reasons

2. 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. The PPG provides a number of potential examples of unreasonable behaviour by local planning authorities including, amongst other things, lack of co-operation with the other party or parties.
3. It is the applicant's contention that the Council did not engage proactively pursuant to Paragraph 38 of the National Planning Policy Framework (the Framework) and that this did not allow them to address statutory consultee objections which supported the Council's reasons for refusal on the application. Consequently, they contend the evidence required under the appeal and associated expense was increased unnecessarily.
4. It is not clear, based on the evidence, how the activities required to prepare evidence in response to the objections and reasons for refusal was any more onerous at appeal, than it would otherwise have been during the application, or that the associated level of expense was therefore unnecessary. Irrespective of the Council's behaviour, unnecessary or wasted expense has not been demonstrated and a full award of costs is not justified.

Conclusion

5. For the reasons given above, the application for an award of costs is refused.

Liam Page

INSPECTOR