



Costs Decision

Site visit made on 28 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Costs application in relation to Appeal Ref: APP/V3120/W/20/3255431 19 Mill Road, Marcham, Oxfordshire OX13 6NZ

- 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 Oscar Pelka for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for proposed wheel chair accessible two bed detached bungalow for inclusive communities.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, costs may be awarded against a party who has behaved unreasonably, in either a procedural or substantive way, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In applying for costs the appellant has referred to the fact that the application was not determined by the Council within the prescribed period and failed to give notice that they had either declined to determine the application or give notice that it had been referred to the Secretary of State.
4. Paragraph 048 of the Planning Practice Guidance (PPG) sets out scenarios when a local planning authority's handling of the planning application prior to the appeal may lead to an award of costs. It states that in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the prescribed period.
5. In this case, the Council failed to determine the planning application within the prescribed period and from the information available to me, I have no substantive evidence to indicate that a reason for the delay was given at the time. However, the evidence before me indicates that the Council were in discussion with the appellant regarding the application including in respect of highway concerns.

6. Therefore, whilst they did not agree an extension of time it would not be reasonable to conclude that the Council had behaved unreasonably in the process leading up to the appeal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

B Thandi

INSPECTOR