The Planning Inspectorate

Costs Decision

Site visit made on 22 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Costs application in relation to Appeal Ref: APP/C3105/W/20/3256935
Aviyal, Station Road, Ardley, Bicester, Oxfordshire OX27 7PQ

- 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 Dave Munnings, Dave Munnings Ltd for a full award of costs against Cherwell District Council.
- The appeal was against the refusal of planning permission for change of use from equestrian to dog agility training centre and extension of the domestic curtilage of Aviyal to include the existing land to the north enabling the existing stable block to be used as ancillary outbuilding.

Decision

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

Reasons

2. The Planning Practice Guidance 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. The appellant was given pre-application advice that the local highway authority was unlikely to raise an objection to the proposal. However, despite the preparation and submission of technical evidence throughout the course of the application, the highway authority ultimately objected and planning permission was refused.

4. I can understand the frustration that this may have caused to the appellant but it does not amount to unreasonable behaviour in the appeal process. Moreover, as set out in my main Decision, the technical evidence does not adequately demonstrate that harm to highway safety would not result. In particular, the visibility falls below the desirable minimum and there is no substantive evidence as to why this should be acceptable. In that context, the position of the local highway authority and, by extension the Council in following that advice, is not unreasonable.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR