
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/D3125/W/20/3256421 16 Lawton Avenue, Carterton, Oxfordshire OX18 3JZ

- 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 Foddy Brothers Ltd for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for two 2 bedroomed houses with private gardens and parking.
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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 Council's reason for refusal is somewhat generalised in language and vague in identifying harm. However, the Council's appeal statement clarifies key characteristics of the area and identifies why, in the Council's view, the proposal would cause harm. While that evidence does not follow the same structured analysis of that of the appellant, the reason for refusal has, therefore, been substantiated by detailed evidence.
4. Moreover, although I have not identified harm stemming from all of the Council's concerns, such as the alleged squat proportions of the dwellings and their presence in the street scene, based upon the detailed analyses of character that have been presented to me, I have found that the proposal would lead to harm to the character and appearance of the area, as identified by the Council in the reason for refusal. Notwithstanding the benefits that would arise from the proposal, I have found a conflict with the development plan such that the appeal has been dismissed.
5. I understand the appellant's frustration that, having agreed to amendments and having been led to believe that permission would be forthcoming by two planning officers, it was ultimately refused. However, regardless of the internal decision making procedures of the Council, the appeal, and any costs associated with it, turn on the planning merits of the case. I have found the Council's decision to have been properly justified and, in light of my decision on the appeal, a reasonable one that stands up to scrutiny. It is based, as I have set out, in a conflict with the requirements of the development plan.

6. The Council's appeal statement included considerable evidence in respect of Housing Land Supply. While this was not in dispute between the parties, the availability or not of housing supply could affect the way in which I must balance the various material considerations. It is, therefore, relevant to this appeal for housing.
7. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

M Bale

INSPECTOR