
Costs Decision

Site visit made on 20 April 2021

by Mr S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Costs application in relation to Appeal Ref: APP/D3125/W/20/3265145 Freelands Cottage, Westwell, Oxfordshire OX18 4JT

- 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 George Bonas for a full award of costs against West Oxfordshire 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 the alteration to the existing garden building and new extension to form ancillary accommodation.
-

Decision

1. The application for 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant has raised issues of delays with the planning application process, poor levels of communication from the Council, the extension of time (which was not agreed), and the correspondence from the Case Officer late in the process. Whilst I can understand that this may all have been frustrating for the applicant, there is no substantive evidence here that convinces me that without such issues the appeal could have been avoided. The costs application relates to those incurred by the appeal process primarily, and so the costs incurred in corresponding with the Council during the planning application process is not reason for me to award costs to the applicant on this matter, for example.
4. The applicant has stated that there is doubt over whether there was a site visit with the planning application or whether there were comments from the Conservation Officer. However, the Council has provided a thorough explanation of their stance with regards the proposal against planning policy. I do not find that the Council position on the proposal was in any way lacking substance as a result of whether there was a site visit or particular consultee comments.

5. Overall, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Mr S Rennie

INSPECTOR