The Planning Inspectorate

Costs Decision

Site visit made on 7 December 2021

by Helen Davies

an Inspector appointed by the Secretary of State

Decision date: 15th December 2021

Costs application in relation to Appeal Ref: APP/D3125/D/21/3283707
12 Early Road, Witney OX28 1EN

- 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 Dan Coulson for a full award of costs against West Oxfordshire District Council.
- The appeal was against the refusal of planning permission for a development described as 'A ground floor rear extension to the kitchen to the existing rear edge of the house. A first floor rear extension is also applied for with the rear edge stepped back by 1 metre'.

Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The applicant states that the appeal was unnecessary as the proposal complies with the development plan. The applicant also states that the Council did not fully justify their decision or assess the local context, and failed to correctly apply policies, thereby failing to consider the application in a reasonable manner.

4. Planning Practice Guidance states that examples of unreasonable behaviour by the Council include failure to substantiate reasons for refusal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and acting contrary to national or local policy.

5. The reason for refusal set out in the decision notice is sufficiently complete, precise, specific, and relevant to the application. It also clearly states the policies of the West Oxfordshire Local Plan 2031 that the proposal would be in conflict with. This reason was adequately substantiated by the Council in its Officer Report, which considered the context and set out how the proposal would result in harm to the character and appearance of the host dwelling and the area.

6. The application decision is one which is a matter of judgement. It can be seen from my appeal decision that I agreed with the Council that there were sufficient grounds for refusing planning permission in regard to harm to the

character and appearance of the host dwelling and the area. I also found that local and national policy had been applied in an appropriate way. Consequently, I am satisfied that the Council has shown that it undertook an appropriate assessment of context and was able to substantiate the reason for refusal, in accordance with policy.

7. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

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

Helen Davies

INSPECTOR