



Costs Decision

Site visit made on 15 March 2022

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Costs application in relation to Appeal Ref: APP/C3105/W/21/3274329 Land to Rear of Home Farm Close, Ambrosden OX25 2NP

- 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 Collison for a full award of costs against Cherwell District Council.
 - The appeal was against the failure of the Council to determine the application within the prescribed period of time. The application sought outline planning permission for a development originally described as: 'Outline consent including access for five dwellings.'
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. It is the appellant's case that the Council has failed to determine the application in a positive and proactive manner. In their view, this has been demonstrated in the requirement for the appellant to enter into a comprehensive Section 106 agreement with the adjoining landowner, without providing adequate justification.
4. Despite this, as identified in my decision, I find that the approach taken by the Council has not been without merit. The desire to make effective use of land is well supported by the National Planning Policy Framework and although I have found against the Council in regard to the main issue, I do not consider that their approach has prevented development coming forward which should have clearly been allowed.
5. Through the appeal, the Council have provided a well-articulated case regarding the comprehensive development of the appeal site and adjacent land. Although I do not agree with it, they have fully justified their concerns and the argument presented is not without substance.
6. Accordingly, I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice

Guidance, has not been demonstrated and that therefore, an award of costs is not justified.

Martin Chandler

INSPECTOR