



Costs Decision

Site visit made on 19 April 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2022

Costs application in relation to Appeal Ref: APP/C3105/W/21/3287333 35 Longleat Close, Banbury OX16 9TG

- 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 Malkiat Masih for a full award of costs against Cherwell District Council.
 - The appeal was against the refusal of planning permission to construct a single-storey side extension 3 x 7.4m.
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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 so caused the costs applicant to incur unnecessary expense in the appeal process. The email submitted to support this application claims unreasonable behaviour by the Council in terms of (i) failing to work with the applicant in an open and informative manner through the processing of the planning application, (ii) ordering a second planning application fee, and (iii) failing to properly consider other planning permissions for side extensions.
3. The evidence provided indicates that the Council officer alerted the applicant's agent of the intention to refuse planning permission on 17 September 2021. Also, the officer agreed to an extension of time to determine the application as requested by the agent before the Council's decision notice was issued on 28 October 2021. Such actions demonstrate the Council has been open with the applicant on its views regarding the proposed development and has provided an opportunity to respond to concerns. Accordingly, the Council has been open and fair in its communications with the applicant.
4. The submissions indicate that a second planning application fee was requested in respect of the garden wall, which the applicant considers was unnecessary. However, there are no details before me on the total fees paid or an explanation as to why the applicant considers they have been overcharged. In any event, the expense incurred in these regards is not connected with the appeal process.
5. The Council officer's report on the planning application makes specific reference to the side extension permitted at 1 Longleat Close as well as the side addition at 1 Blenheim Road. These comments demonstrate that proper regard has been given to other developments as referred to by the applicant. As explained

in my appeal decision, it is reasonable for the Council to conclude that these other schemes fail to set a precedent that is bound to be followed in the determination of the appeal proposal.

6. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore an award of costs is not justified.

Jonathan Edwards

INSPECTOR