
Costs Decision

Site visit made on 20 July 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Costs application in relation to Appeal Ref: APP/Q3115/D/21/3286519 8 High Street, Chinnor, Oxfordshire OX39 4DH

- 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 G Ingram for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of prior approval for an upwards extension of principle part of the house.
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Decision

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

Procedural Matters

2. The applicant has referred to actions of the Council in its determination of a previous planning application, which is not the planning application that led to the appeal. I have therefore limited my consideration of this application for an award of costs to the matters raised in relation to the appeal referenced in the banner heading and the planning application which led to it, where relevant.

Reasons

3. 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.
4. The application for a full award of costs is made on the basis that the Council was unreasonable to refuse prior approval on the grounds of the size and height of the proposed development and the potential impact to the pair of semi-detached bungalows and the wider area.
5. As I explained in my main decision, there is no dispute between the main parties regarding the compliance of the proposal with the limitations expressed in paragraph AA.1 in Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). However, the limitations and subsequent conditions in paragraph AA.2 are deliberately separated from one another. It was therefore reasonable, as I did, for the Council to consider the effect of the size and height of the proposal in considering its design.
6. Similarly, the matters raised in the Council's Reason for Refusal can be grouped under the provisions of the sub-paragraph (3) of Paragraph AA.2, as the term 'including' used in the GPDO denotes that the list of relevant considerations is

not closed, but it should be of the same kind. How successful the external appearance of a dwellinghouse may be in assimilating with the other attached dwellings and its surroundings can therefore be relevant factors in the consideration of this matter.

7. Consequently, I cannot agree that the LPA has acted unreasonably in this case. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and thus an award of costs is not justified.

Paul Thompson

INSPECTOR