
Costs Decision

Site visit made on 28 June 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Costs application in relation to Appeal Ref: APP/V3120/W/22/3290944 Flat 4, Chelsie House, 104 West Way, Botley, Oxfordshire OX2 9JU

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Ms Sandra Bickford for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal of planning permission for the erection of a double garage Ref P21/V2188/HH, dated 27 July 2021, refused by notice dated 29 November 2021.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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.
3. The Council refused application P21/V2188/HH for the construction of a detached garage due to the fact it would preclude the provision of car parking spaces and cycle storage required in accordance with the approved plans and conditions attached to an earlier planning permission for the conversion of the building to B&B accommodation. The parties agreed that, should the garage be constructed, it would lead to a shortfall in car and cycle parking provision to serve the B&B. The main issue in contention between the parties was whether a planning obligation was required to prevent the implementation of the extant permission, in the event that permission was granted for the construction of the garage, although these contended issues are actually peripheral to the appeal for the reasons set out in my decision.
4. The applicant purports that the Council has exhibited unreasonable behaviour that made the appeal necessary in the first place in relation to the substance matter of the appeal including:
 - *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;*

- *refusing planning permission on a planning ground capable of being dealt with by conditions; and*
 - *requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national planning policy in the National Planning Policy Framework, on planning conditions and obligations*
5. I have explained in my decision why I have allowed the proposed development. The contended issues between the appellant and the Council are irrelevant to the consideration of this appeal.
6. However, it is clear why the Council decided to refuse the application, for the reasons set out in its refusal reason and in its officer report. It has also explained its reasoning more fully in its response to the costs application dated 16 May 2022. It has therefore fully justified its refusal reason, notwithstanding that I disagree and have allowed the appeal. The Council's behaviour has not therefore been unreasonable.

Conclusion

7. I therefore find that unreasonable behaviour by the Council has not occurred and that the application for costs is dismissed.

Emma Worley

INSPECTOR