



Costs Decision

Site visit made on 23 February 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Costs application in relation to Appeal Ref: APP/D3125/D/22/3306343 Shillbrook Cottage, Shilton, Oxfordshire OX18 4AB

- 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 Angela Shamoon for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for a natural stone boundary wall.
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Decision

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

Reasons

2. Planning Practice Guidance ('PPG') 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 or wasted expense in the appeal process.
3. The applicant's application for costs is based on the alleged unreasonable behaviour of the local planning authority ('LPA') and wasted expense, for reasons, as considered below.
4. The applicant asserts that planning permission should never have been refused as the proposal fully accords with all local and national policy requirements including impact arising from visual appearance and amenity.
5. The LPA refused the applicant's application for two reasons. I have identified these as two main issues in my Decision. The first relates to the effect of the proposal on heritage assets and the other on the living conditions of the occupiers of April House.
6. The assessment of both these issues are matters of planning judgement. This involves some subjective analysis having regard to the context of the site, the proposal and the development plan and any other material considerations.
7. The LPAs officer report and decision notice provide an adequate assessment of the proposal. Furthermore, the reasons for refusal are specific to the proposal and refer to local and national planning policy. Also, as part of the appeal the LPA has sought to defend its reasons for refusal.
8. Therefore, I am satisfied that the LPAs assessment is supported by sufficient analysis and whilst the applicant may disagree with this, this is a matter of planning judgement.

9. As such, irrespective of finding the appeal in favour of the applicant, I am satisfied that the LPA considered the planning application correctly and based on their assessment came to a view that the proposal did not accord with the development plan and the Framework.
10. Given all of the foregoing, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal

INSPECTOR