



Costs Decision

Site visit made on 25 April 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

**Costs application in relation to Appeal Ref: APP/J0405/W/22/3307478
Dunsty Hill Farm, Edgcott Road , Calvert Green , OX27 0BJ**

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (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 appellant says the Council has acted unreasonably in refusing to give Prior Approval to a scheme which falls within the provisions of 'permitted development'. This has resulted in the unnecessary costs of a planning consultant having to prepare the submission for the appeal.
4. In the Prior Approval case I decided that approval should be granted. However, the assessment of the appellant's and Council's detailed cases was not straight forward, and the conclusion was finely balanced. I am satisfied that the Council, as represented by the highway authority, was able to substantiate its case on a professional basis with reference to national policy and highway practice.
5. This was not a case of refusing to approve development which should clearly have been permitted as there were legitimate issues on highway capacity and safety and which could also have resulted in the proposed development in this location being impractical or undesirable.
6. Overall, I find that the Council did not act unreasonably in refusing Prior Approval and the costs incurred by the appellant were the normal costs arising when the right of appeal is exercised.

David Murray

INSPECTOR