



Costs Decision

Site visit made on 5 June 2023

by L Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Costs application in relation to Appeal Ref: APP/Q3115/W/22/3311398 Cookley Orchard, Swyncombe, Henley-on-Thames RG9 6EN

- 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 and Mrs R and L Seward for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for Replacement house and erection of a garage. (As amended by energy statement received 21 September 2022).
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 031 of the PPG states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. Paragraphs 047 and 049 of the PPG sets out some examples of unreasonable behaviour by local planning authorities.
3. The applicant has expressed concerns regarding a lack of communication with the Council during the application process, and the failure of the Council to make a decision. Notwithstanding the alleged poor communication, the delays would not, in themselves have resulted in a different decision such that the applicant has created wasted expense in the appeal process. I find no substantive evidence that the applicant incurred any additional expense as a result of this delay. Furthermore, it will be seen from my decision that I agree with the Council and that I am satisfied that the Council was able to substantiate their concerns.

Conclusion

4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Laura Cuthbert

INSPECTOR