



Costs Decision

Site visit made on 8 August 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Costs application in relation to Appeal Ref: APP/D3125/W/22/3313464 Land part of Mistral, Witney Road, Ducklington, Oxfordshire OX29 7TN

- 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 Christopher Mills for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for construction of detached dwelling with detached garage. New driveway and associated boundary treatments.
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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 PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. It is important that Local Planning Authorities substantiates its reasons for refusal. This was carried out by the Case Officer which included an analysis of the proposal, and a balancing exercise in the Officer's Report. The weight given to each consideration is a matter of planning judgement, and the courts have held that the weight attributed to the material considerations of a case is a matter for the decision maker. While I have reached a different conclusion to the council, this was not a case where the development should clearly have been permitted. The decision by the council to refuse permission was not therefore unreasonable behaviour.
5. I appreciate that the applicant was disappointed with the council's handling of the application, procedures and subsequent outcome. However, the council's reason for refusal was nevertheless clearly set out with reference to relevant development plan policies. The reason for refusal was then explained in more detail in the council's Officer's Report and the subsequent Statement of Case. On balance, I consider they were sufficient to substantiate its case. I am therefore satisfied that the council produced evidence to substantiate its reason for refusal and did not make vague, generalised or inaccurate assertions about the proposal's impact.

6. Accordingly, the council's behaviour and actions at the time of the planning application or during this appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense at the appeal stage. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Sibley

INSPECTOR