



Costs Decisions

Site visit made on 6 March 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Costs application in relation to Appeal A Ref: APP/C3105/W/23/3326702 Site located on the south side of Clifton Road, Deddington OX15 0TP

- 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 Mrs G Russell-Flint for a full award of costs against Cherwell District Council.
- The appeal was against the refusal of planning permission for single dwelling with detached garage and all associated works.

Costs application in relation to Appeal B Ref: APP/C3105/W/23/3336047 Site located on the south side of Clifton Road, Deddington OX15 0TP

- 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 Mrs G Russell-Flint for a full award of costs against Cherwell District Council.
- The appeal was against the refusal of planning permission for single dwelling with detached garage and all associated works.

Decisions

1. Both applications for an award of costs are 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. It adds that local planning authorities are at risk of an award of costs against them if they behave unreasonably with respect to the substance of the matter under appeal, for example, by making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; or by not determining cases in a similar manner.
3. In both applications, the applicant asserts that the Council's consideration of the impact of the development on the character and appearance of the area was vague and generalised. However I consider their assessment was well reasoned and detailed; referring to the roof profile, height and depth of the dwelling. Indeed in Appeal A I agree that the dwelling, as shown in the originally submitted plans, would have an unacceptable appearance, particularly when seen from the east. From here it would be visible past the adjacent gym and its scale and height would render it particularly prominent. Furthermore, its side elevation, and therefore its depth, would be more prominent in the street scene than those of the other dwellings in the adjacent Clifton Gate development.

4. In Appeal B, the officer's report considers that the adverse impacts were reduced but not negated completely. This stance is fully justified, referring again to the dwelling's depth and roof design, and it was not unreasonable for the Council to refuse planning permission on that basis, notwithstanding I consider that the impacts of the development have been reduced to an acceptable degree.
5. The proposal in Appeal A included a large triple garage to the rear. Although planning permission has been granted for a large garage building opposite the site, I understand that that building would be slightly lower, of a different design and is on a different plot. It is therefore not directly comparable and the Council have not been inconsistent.
6. It is noted that the Inspector of the appeals on the adjacent site considered, in paragraph 12 of their decision, that site to be within the peripheral development cluster of Deddington. However that decision does not firmly conclude specifically in terms of the built-up part of Deddington, and so it was not unreasonable for the Council to maintain that this site was not within the built-up limits of Deddington.
7. Also I recognise the statement in the Council's officers report that, had this site been included in the adjacent development it would most likely been considered acceptable in principle. However in both appeals a reason for refusal was the effect on the character and appearance of the area which, as set out above, was fully justified. Therefore, refusing both applications was not unreasonable.

Conclusion

8. In summary, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and so awards of costs are not justified.

A Owen

INSPECTOR