



Costs Decision

Site visit made on 12 November 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

**Costs application in relation to Appeal Ref: APP/D3125/W/24/3344536
48 Black Bourton Road, Carterton, Oxfordshire, OX18 3HE**

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's costs application relates to procedural grounds and on substantive grounds on the reasons for refusal. In terms of the procedural grounds the Council acknowledges that the appeal Questionnaire and Statement were submitted late but by this stage most of the appellant's evidence had been submitted and the appellant was given time to make Final Comments. The Council also acknowledges a number of mistakes in the delegated report, probably caused by 'cut and paste' errors, and this did add unnecessary work to the appellant's appeal. On the application, the refusal included a reason in respect of the effect on biodiversity after the appellant had submitted a Preliminary Ecological Appraisal. However this appraisal was late in the day and I note that by that time the appellant was pressing the Council to make a decision on the application. Although there has been a number of failures in procedural matters, none of them have been so critical as to materially affect the appellant's work.
4. In the planning case there were three reasons for refusal put forward by the Council. The first related to the effect on the character and appearance of the area. Although I reached a different judgement on the planning merits of this issue, the Council were mostly able to justify their stance on planning grounds and the decision it took was not wholly unreasonable in planning terms.
5. Although the second reason for refusal re diversity was withdrawn in the light of the Preliminary Ecological Appraisal as mentioned above, this had been submitted well on in the application process rather than at the start, and the appellants were by that stage pressing to have a decision.
6. The third reason for refusal involved an effect on living conditions and while it referred to Space Standards which had not been incorporated into a Local Plan policy, there was a partly legitimate concern on living conditions about the aspect from the rear facing window of plot 6.

7. Although considerable detail has been put forward by both parties on both the planning appeal and costs claim and rebuttal, when the Council's actions are taken as a whole, on balance I find that it did not act unreasonably in refusing the application and was able to make a reasoned justification of its case. As such the appellant has not suffered from unreasonable behaviour on either the procedural or substantive aspects.
8. The appellant's costs in making the appeal were therefore the normal costs arising when the right of appeal is exercised.

Conclusion

9. Therefore, overall unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David Murray

INSPECTOR