

11 January 2010

Mr Mervyn Dobson
Pegasus Planning Group
Queens Business Centre
Whitworth Road
Cirencester
GL7 1RT

Our Ref: APP/C3105/A/08/2080594
along with Conservation Area Consent appeals:
APP/C3105/E/08/2069311; APP/C3105/E/08/2069313;
APP/C3105/E/08/2069314; APP/C3105/E/08/2069315;
APP/C3105/E/08/2069316; APP/C3105/E/08/2069318;
APP/C3105/E/08/2069321; APP/C3105/E/08/2069324;
APP/C3105/E/08/2069327; APP/C3105/E/08/2069329;
APP/C3105/E/08/2069331; APP/C3105/E/08/2069333;
APP/C3105/E/08/2069334; APP/C3105/E/08/2069335;
APP/C3105/E/08/2069337; APP/C3105/E/08/2069339;
APP/C3105/E/08/2069340; APP/C3105/E/08/2069341;
APP/C3105/E/08/2069343; APP/C3105/E/08/2069345;
APP/C3105/E/08/2069346; APP/C3105/E/08/2069347;
APP/C3105/E/08/2069349; APP/C3105/E/08/2069350.

Dear Sir,

**LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONS 78 AND 320
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 –
SECTIONS 20, 74 AND 89**

**APPEALS BY NORTH OXFORDSHIRE CONSORTIUM LTD – SITE AT HEYFORD
PARK, CAMP ROAD, UPPER HEYFORD, BICESTER, OX25 5HD**

**APPLICATION REF: 08/00716/OUT (THE LEAD APPEAL), TOGETHER WITH 24
CONSERVATION AREA CONSENT APPEALS**

APPLICATION FOR COSTS

1. I am directed by the Secretary of State for Communities and Local Government to refer to the enclosed letter notifying his decision on the above appeals.
2. This letter deals with the application made by your clients, North Oxfordshire Consortium Ltd, on 16 March 2009 (the final sitting day of the Inquiry) for a full or partial award of costs against Cherwell District Council. The application as submitted and the response of the Council are recorded in the Inspector's costs report, a copy of which is enclosed.
3. In planning appeals, parties are normally expected to meet their own expenses and costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily. The applications for costs have been considered in the light of the policy guidance in Circular 8/93, the Inspector's costs report, the parties' submissions on costs, the appeal papers and all the relevant circumstances. Although Circular 8/93 has now been replaced by Circular 03/2009, that applies only to appeals made and other proceedings initiated on, or after, 6 April 2009.

4. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs 74-110 of her costs report. She recommended that the application for a full award and, alternatively, for a partial award, of costs be refused.
5. Having considered all the available evidence, and having particular regard to Circular 8/93, the Secretary of State agrees with the Inspector's conclusions in her report and accepts her recommendations. Accordingly, he has decided that neither a full award nor a partial award of costs against Cherwell District Council, on grounds of unreasonable behaviour, is justified in the particular circumstances. The application is therefore refused.
6. A copy of this letter has been sent to Cherwell District Council.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf