

APPEAL BY GREYSTOKE LAND LTD

**ERECTION OF UP TO 43 NEW HOMES, ACCESS FROM STATION ROAD AND ASSOCIATED
WORKS INCLUDING ATTENUATION POND**

AT LAND OFF RAILWAY HOUSE, STATION ROAD, HOOK NORTON

**LPA REF: 21/00500/OUT
PINS REF: APP/C3105/W/21/3278536**

**APPELLANT'S APPLICATION FOR
A FULL AWARD OF COSTS
AGAINST THE LOCAL PLANNING AUTHORITY**

1. An application for a full award of costs is made by the Appellant against Cherwell District Council ("the Council"). The application is made in accordance with relevant provisions of the Government's Planning Practice Guidance ("PPG").
2. In respect of the timing of applications for costs, the PPG confirms that, as a matter of good practice, and where circumstances allow, costs applications should be made in writing before the hearing or inquiry (Paragraph: 035 Reference ID: 16-035-20161210). This application is being made in writing well in advance of the hearing.

3. The PPG confirms that costs may be awarded where;

- a party has behaved unreasonably, and,
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

(Paragraph: 030 Reference ID: 16-030-20140306)

4. Examples of unreasonable behaviour by local planning authorities are given within the PPG and include;

- preventing or delaying development which should clearly be permitted, having regard to its accordence with the development plan, national policy and any other material considerations,
- failure to produce evidence to substantiate each reason for refusal on appeal, and,
- vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

(Paragraph: 049 Reference ID: 16-049-20140306)

5. The Council refused planning permission for the Appeal Scheme, contrary to its officers' recommendation, on the basis of 2 reasons for refusal. By its first reason for

refusal, the Council alleged harm to visual amenity. The second reason for refusal was directed at the absence of an executed planning obligation.

6. Within its hearing statement, the Council's case in respect of the first reason for refusal is set out at paragraphs 7.6 to 7.12. Within those paragraphs, the Council;
 - (i) records disagreement with aspects of its officers' report (that recommended the grant of planning permission), and,
 - (ii) fails to advance any evidence that actually supports its first reason for refusal.
7. Accordingly, the Council's first reason for refusal has not been substantiated by evidence, and/or comprises no more than vague, generalised or inaccurate assertions about the Appeal Scheme's impact, and which are unsupported by any objective analysis.
8. The Council's second reason for refusal simply reflected the fact that at the point of refusal of planning permission by the Council, no planning obligation had been executed. Had the Council not advanced its first reason for refusal (and given its failure to substantiate that reason for refusal as set out above, it is clear that the first reason for refusal should not have been advanced), then the Council would have resolved to grant planning permission subject to the execution of a planning obligation. In short, the Council has delayed development which should clearly be permitted.

9. The Appellant considers that the Council has behaved unreasonably as set out at paragraphs 7 and 8 above such as to justify a full award of costs. Had the Council not behaved unreasonably, it would have granted consent, and this appeal would have been avoided.

20-05-2022