



Costs Decision

Site visit made on 5 July 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Costs application in relation to Appeal Ref: APP/C3105/W/21/3278536 Land North of Station Road, Hook Norton

Easting (x) 436204, Northing (y) 233632

- 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 Greystoke Land Ltd for a full award of costs against Cherwell District Council.
 - The appeal was against a refusal to grant outline planning permission for the erection of up to 43 new homes, access from Station Road and associated works including attenuation pond.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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 provides that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals. Examples of this include where an LPA has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; where there is a failure to substantiate each reason for refusal; or where vague, generalised or inaccurate assertions are made about a proposal's impact which are unsupported by any objective analysis.
4. The first reason for refusal includes matters relating to the effect of the proposal on the character and appearance of the area including the landscape. These are subjective matters. The Council's statement of case refers amongst other things to the comments of its landscape officer contained within the report which went before its Planning Committee. These comments would therefore have informed the Council's decision to go against the recommendation of its planning officers. Ultimately, while I have reached a different conclusion and have allowed the appeal, the Council was entitled to take the information before it into account and to reach its own conclusions in respect of the extent of any harm and the weight to be applied in the planning balance.

5. When the Council made its decision, it is a matter of fact that an executed planning obligation to address the necessary affordable housing and infrastructure requirements arising from the development was not before it. It would have been remiss of the Council not to have drawn attention to the deficiencies of the proposal in this regard in order to safeguard its interests. Even if the second reason for refusal had not been included in its decision, this would not in any case meant that an appeal could have been avoided.
6. For the reasons set out, I therefore find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

M Russell

INSPECTOR