



Costs Decision

Site visit made on 29 January 2024

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Costs application in relation to Appeal Ref: APP/G3110/W/23/3322988 36 Feilden Grove, Oxford, Oxfordshire OX3 0DU

- 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 Dr & Mrs Feddersen for a full award of costs against Oxford City Council.
 - The appeal was against the refusal of planning permission for Demolition of the existing dwellinghouse (Use Class C3). Erection of a building to create 1 x 5 bed dwellinghouse (Use Class C3).
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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 applicants' claim is brought on substantive grounds. The applicants' assert that the Council unreasonably imposed a requirement for them to provide a justification for the demolition of the existing dwelling, which should have taken into account the prospect of retro-fitting the existing dwelling.
4. The applicants are correct that there is no strict development plan or national policy requirement for such an exercise to be undertaken. However, the Council concluded that the proposed development would result in harm to the Conservation Area. Both Local and National Planning Policies require that less than substantial harm to a heritage asset is weighed against the public benefits of a proposal.
5. The Council was entitled to consider whether the asserted carbon reduction benefits would be accrued within this context. Whilst Local Plan Policy RE1 does not require an assessment of the impact of demolition on carbon reduction, this could plausibly be a factor in the overall consideration of the public benefits of the proposal.
6. On that basis, on balance, I conclude that the Council did not act unreasonably in refusing planning permission for the stated reasons.

7. The application for an award of costs is therefore refused.

Luke Simpson

INSPECTOR