



Costs Decision

Inquiry held on 17 and 18 April 2024

Site visit made on 18 April 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2024

Costs application in relation to Appeal Ref: APP/D3125/C/22/3313368 Land at Home Farm, Mount Skippett, Ramsden, Oxfordshire OX7 3AP

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jayson Legard of Legard and Cashell Holdings Ltd for a full award of costs against West Oxfordshire District Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging without planning permission a material change of use of the Land from a taxi business with ancillary car repairs to a mixed use of vehicle car servicing and repairs and vehicle sales.
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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 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 applicant considers the Council have behaved unreasonably in terms of the inclusion of vehicle repairs in the allegation of the notice, that they have a lack of evidence to support their case, failing to submit the Enforcement Report and failing to acknowledge that the alleged use has been in operation for over 10 years.
4. As can be seen in my Decision, I have found that the appeal on ground (d) has failed and therefore I have dismissed the appeal and upheld the enforcement notice. The Enforcement Report was submitted by the Council with their appeal documents and evidence was provided by the Council to substantiate their position in terms of issuing the enforcement notice. The Council have therefore not behaved unreasonably with regards to these matters.
5. The inclusion of vehicle repairs in the enforcement notice made up part of the mixed use within the allegation. The Council provided evidence to support their reasoning for including this within the notice. As can be seen from my Decision, the enforcement notice has been corrected and varied to enable the applicant to return the site to its previous lawful use. The Council have not acted unreasonably in this regard.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Chris Baxter

INSPECTOR