



Costs Decision

Site visit made on 12 November 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

**Costs application in relation to Appeal Ref: APP/G3110/W/24/3345887
139 Banbury Road, OXFORD, OX2 7AJ**

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 appellant's costs claim asserts that the Council relied on inaccurate or untruthful information and was not able to substantiate the objection of the alleged impact of the new gates; dismissed the public benefit that was shown to arise and therefore prevented and delayed development that should have been permitted.
4. The Officer Report refers to the site being in the Character Area 8: Lathbury and Staverton Road which was in error, as the site actually lies in Character Area 6: Banbury Road. However, given that the boundary between the two Character Areas passes within a few metres of the site of the gates the Council would have been expected to have taken this other character area into account. This would have been likely to have included the assessment in the Conservation Area Appraisal which refers to the tension between the characters of the primary residential areas and the institutional ones. Moreover, although there was a mistake over the right character area, the critical issue was the effect on the North Oxford Victorian Suburban Conservation Area as a whole. The wrong reference was therefore not material to the Council's assessment.
5. In terms of the planning judgment on the appropriateness of the gates, although I reached a different judgement on the effect on the Conservation Area taken as a whole, the Council was able to justify its approach with reference to the development plan and other material evidence. It was backed up by specialist advice from the Conservation Officer. Moreover, the appellant's need for the gates and the public benefits that was said to stem from their replacement appears to have varied over time. The planning judgement made on the effects on the Conservation Area was therefore not a wholly unreasonable one.
6. Overall, I am satisfied that the Council did not act unreasonably in refusing the application and it was able to justify its case on appeal. The costs incurred by

the appellant have been the normal costs arising when the right of appeal is exercised.

7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David Murray

INSPECTOR