# Costs Decision

**by L Douglas BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09th December 2024**

**Costs application in relation to Appeal Ref: APP/G3110/X/24/3344109**
**72 Abingdon Road, Oxford OX1 4PL**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr Ti Chen for a full award of costs against Oxford City Council.
- The appeal was against the refusal of a certificate of lawful use or development for use of the property as a House in Multiple Occupation (C4 use class).

## 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. In summary, it is claimed that the Council assessed the applicant's evidence with unreasonable suspicion and failed to keep an open mind when assessing the evidence. Errors in the Council's officer report are also claimed to be examples of poor attention to detail and inaccurate reporting.

4. The Council's officer report provides a fair and reasonable assessment of the evidence. There are inconsistencies and gaps in the applicant's evidence and the Council was not being unreasonably suspicious when it highlighted these issues. Pointing out the lack of precision and the ambiguity in the applicant's evidence should not be taken as questioning their integrity. Indeed, I note the Council gave the applicant an opportunity to provide further evidence to address those issues prior to refusing the application.

5. The errors in the Council's officer report are minor in nature. While they may be considered indicative of a lack of attention to detail, they do not significantly undermine the assessments made or the conclusions drawn.

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

*L Douglas*

INSPECTOR