
Costs Decision

Site visit made on 14 April 2025

by **L Fleming BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Costs application in relation to Appeal Ref: APP/C3105/Y/24/3355671 Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxfordshire OX25 4SF

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Utting for a full award of costs against Cherwell District Council.
 - The appeal was against the refusal to approve details pursuant to the discharge of a planning condition attached to a listed building consent for a proposal described as "Internal alterations to existing side extension to provide utility room to include relocation of WC. Insulation to roof and walls. New door to rear exterior in place of existing window".
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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. It is alleged the disputed pre commencement condition should not have been imposed as this was not agreed. However, this appeal relates to a discharge of condition application and is not therefore relevant to this case.
4. I acknowledge the comment with regard to the Council not visiting the site. However, it is not always necessary to visit every site and the details provided in the application were felt by the Council to be sufficient to reach a judgment on the scheme, and I agree even though I have reached a different conclusion. Irrespective of whether the Council undertook a site visit or just made its decision on the information submitted, the Council's behaviour is not regarded as unreasonable, particularly when the site was visited in assessing the original application for listed building consent.
5. It is also alleged that the Council failed to adhere to timescales and deadlines. However, there is nothing before me to indicate this resulted in any unnecessary or wasted expense. Indeed at least one extension of time was agreed and the Council's decision was issued following various correspondences between the Council and the appellant.

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

L Fleming

INSPECTOR