



Costs Decision

Site visit made on 12 March 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/V3120/W/24/3353964 Woodland Lodge, Frilford Heath, Abingdon OX13 5QG

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Leroy Barry for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for proposed self-build / custom-build three-bedroom dwelling.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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. Such unreasonable behaviour may be either procedural or substantive.
3. The appellant considers that the Council acted unreasonably in the assessment of the appeal scheme at the application stage and specifically failed to keep him updated on progress and did not allow the Appellant the opportunity to amend the application to overcome the concerns, thus failing to demonstrate a positive and proactive manner in accordance with the National Planning Policy Framework (the Framework).
4. In respect of this matter, I note that the Council did provide early feedback on the application, identifying 'in principle' objections to the scheme as well as technical issues, and again once the consultations had been undertaken. Whilst full details of the Council's concerns were not made available to the Appellant until two months after the application was registered, the Council did accept amended plans to deal with some technical matters but made it clear that these did not overcome the 'in principle' objection. An extension of time was agreed to allow a further period of consultation.
5. Whilst more detailed technical reports were not encouraged to be submitted as these would significantly delay the determination of the application, the Council made clear that such information would not, in its opinion, overcome the 'in principle' objection. Whilst this may have been frustrating for the Appellant, there is

no obligation on the Council to seek amendments in such circumstances and the advice of the Council was understandable in the circumstances.

6. The Council acknowledges that there was a delay in the final determination of the application leading to the Appellant submitting the appeal against non-determination. However, given the above, I find that the Council did act reasonably and in fact sought to advise the Appellant of the matters which meant that permission was unlikely to be granted. Whilst the Council should approach decision making in a positive and creative manner, this has to be undertaken in a practical and realistic way having regard to the likelihood of an acceptable scheme being achieved. Given the many and complex issues involved in the case it is not unsurprising that it was not possible to achieve a positive outcome in this case, particularly given the specific site circumstances and policies relevant to the proposal and the Council advised the appellant accordingly.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

P B Jarvis

INSPECTOR