The Planning Inspectorate

Costs Decision

Site visit made on 7 May 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2025

Costs application in relation to Appeal Ref: APP/D3125/W/25/3359115
Gaunt Mill Cottage, Road to Northmoor, Standlake, Oxfordshire OX29 7QA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs Glynn against West Oxfordshire District Council.
- The appeal was against the refusal of replacement of existing cottage. Appearance of new cottage to match existing.

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 claim for costs relies on the Councils lack of co-operation, introducing fresh evidence at a late stage, introducing a new reason for refusal, preventing or delaying development that should be permitted, failure to provide evidence to substantiate each reason for refusal and making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

4. The Council did not allow additional time for the appellant to respond to concerns from the Environment Agency and ecology comments were not provided before issuing the decision. I acknowledge the frustration for the appellant, however, the Council had other reasons to refuse the development and are under no obligation to allow additional time for further information to be submitted. The matters relating to flood risk and ecology would have had to be addressed at either application stage or appeal stage and as such, have not resulted in additional expense for the appellant and were valid reasons why the Council refused permission based on the missing information.

5. The Council raised concern in relation to the design of the proposed development within their officer report. While this did not specifically form one of the reasons within the decision notice, it is clear that the Council had these concerns at refusal of the application. I therefore find the Council were not unreasonable to include these concerns and expand on them further.

6. The Council also refer to no justification being provided for the proposed demolition, which does not appear to be directly linked to any relevant Polices. I also note that the conservation and design officer may not have visited the property, they have nonetheless based their assessment on the information provided as well as their own records and their comment about the building being reasonable salvageable is not unreasonable based on the photos. In any case, the suitability of the appeal building for renovation does not form the main part of the Councils case.

7. In regard to the Council's assessment of the appeal property as a non-designated heritage asset at appeal stage. I have had regard to guidance contained within Planning Practice Guidance[1] which states that local planning authorities may also identify non-designated heritage assets as part of the decision-making process and as such, I do not find it unreasonable they have done so based on the additional information provided.

8. While the Council have referred to additional Policies within their statement of case, these have not been relied on and no conflict has been alleged, instead they have been referred to in order to expand on their reasons for refusal which is not unreasonable.

9. I acknowledge that the Council's decision notice is unclear, through the omission of their design concerns and ecological concerns. However, these concerns were clear and contained within the officer report and would have needed to be assessed at some stage of the application process.

10. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a full award of costs has not been demonstrated.

D Wilson

INSPECTOR

[1] Paragraph 18a-039-20190723