



Costs Decision

Site visit made on 07 July 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Costs application in relation to Appeal Ref: APP/C3105/W/24/3357508 Duns Tew Manor, Main Street, Duns Tew OX25 6JP

- 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 G McAlpine for a full award of costs against Cherwell 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 the erection of a garden room and associated landscaping.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The appeal against which the costs claim has been made involved the failure of the Council to give notice within the prescribed period of a decision on the application for planning permission. In this instance, the applicant refers to unnecessary delays in the determination of the planning application and inconsistent advice from the Council.
3. It is stated that the conservation officer's comments of 21 August 2024 requesting a reduction in the width of the proposal were contrary to the feedback given during a pre-application enquiry¹ and that the provision of the requested amendments resulted in delays and costs incurred preparing amended plans. I have been provided with a copy of the Council's pre-application response in which the conservation officer provides detailed feedback but does not state that the width of the proposal is acceptable. Given this, the Council's request for amended plans including a reduction in the width of the building was not unreasonable.
4. The Council's constitution requires that a call-in request for determination by planning committee must be received within 21 days of the registration of the application as valid and must be for a material planning reason. The acknowledgement letter states that the application was received complete and valid on 24 May 2024 and the call-in request was received on 17 June 2024, 24 days after the registration of the application as valid, beyond the call-in period. No material planning reasons are listed in the call-in request. Thus, the Council's agreement for the application to be determined by planning committee did not accord with its constitution. The application was not placed on a committee agenda in the 19 weeks after the case officer confirmed that the application had been called

¹ 23/03194/PREAPP

in. This delay ultimately led to the submission of the appeal and costs incurred by the applicant.

5. Furthermore, comments made by the conservation officer on 31 October 2024 were not passed on to the applicant or made available until after the submission of the appeal. Had the applicant been provided with these comments he would have had the opportunity to address the Council's concerns through the submission of amended plans, preventing an appeal being submitted. This represents unreasonable behaviour which resulted in the applicant incurring the unnecessary expense of submitting the appeal.
6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cherwell District Council shall pay to G McAlpine, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Cherwell District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

N Robinson

INSPECTOR