



Costs Decision

Site visit made on 24 September 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Costs application in relation to Appeal Ref: APP/J3720/D/25/3370394

Sandfields Barn, Luddington Road, Luddington, Warwickshire, CV37 9SW

- 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 Mr Phil Maylin for a full award of costs against Stratford-on-Avon Council.
 - The appeal was against the refusal of planning permission for flat roof extension to the front elevation and enlargement of existing window.
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Decision

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

Reasons

2. 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 PPG makes it clear that a Local Planning Authority (the Council) is at risk of an award of costs if it fails to behave reasonably and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. This can be on a procedural or substantive basis.
3. The appeal followed the refusal of permission on 13 June 2025 for a flat roof extension to the front elevation and enlargement of an existing window. There were two reasons for refusal which were concerned with the character and appearance of the host dwelling and its wider setting as well as failure to provide a completed Climate Matrix. My decision, which accompanies this costs decision, disagreed with the Council's decision, and allowed the appeal. The appellant's application for a full award of costs is made on the basis that they consider that the Council behaved unreasonably by refusing to accept revised drawings which they consider would have avoided the need to proceed to an appeal as well as inconsistency in reasoning.
4. Whilst I note that there is no legal obligation for Council's to engage in discussions during a live planning application - the ability to do so is still positively recognised as an option within the PPG (Paragraph: 061 Reference ID: 14-061-20140306, Revision date: 06 03 2014). The Council's guidance also makes an allowance for minor amendments during the application process. Despite this, in this case, I find that due to the stances/opinions of the Council and the appellant respectively, being clearly very different as to the basic acceptability of the proposal, that such engagement during a live application would have been highly unlikely to have resulted in amendments that would have avoided a refusal and therefore negated the need to go to appeal.

5. I find that based on the evidence before me, and even if the proposed amendments to proposals had been formally considered as the basis for the final decision, that the proposals would still have resulted in an impasse so to speak whether this be in principle or based upon design concerns in the context of the character and appearance of the host dwelling. This is highlighted by the Council's comments that the amendments, whether minor or not, still would have failed to overcome what they refer to as fundamental design concerns.
6. I note that the appellant considers the amendments to have been minor within their letter of 1 September 2025 (final costs comments) but with the original application for costs it was stated that the amended proposals were materially different and more-policy compliant. Overall whether or not the amendments proposed were minor or materially different in terms of the scope of this appeal and this application for costs, I find that in this case the Council not taking into account the amended plans would not have prevented refusal and, either way, the appellant would have proceeded to appeal for the reasons outlined above.
7. The above is, of course, separate to the justification given for the refusal by the Council and the basis upon which a submission was made. I find that the Council's assessment of the proposal which ultimately influenced their interaction with the appellant, and which also formed the basis of their decision on the proposal, was based upon a reasoned assessment and against the main considerations for a proposal of this nature which resulted in the Council considering the proposal to be unacceptable with regard to character and appearance. Design can to an extent still be subjective, and whilst my decision disagreed with the Council and allowed the appeal, I find that the Council had set out their reasoning for their opinion and decision in a manner which I consider having been appropriate as to content, general commentary and reference to policies and guidance of relevance.
8. Based upon the above there was a reasonable basis for the Council's stance with regard to the assessment of the proposal as was utilised for the main reason for refusal relating to character and appearance of the existing building. Whilst I disagreed with the Council as a result of my findings for the refusal reason, in this case, I do not find that the Council has acted unreasonably overall in this case in exercising their planning judgement as to the proposals or the guidance within the SPD or that their behaviour resulted in unnecessary cost in coming to appeal.

Costs Order

9. I do not therefore find that there has been unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and a full award of costs is unjustified.

Eleni Marshall

INSPECTOR