



Costs Decision

Inquiry held on 16 & 17 September 2025

Site visit made on 1 October 2025

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Costs application in relation to Appeals Ref: APP/D3125/C/25/3366181 and APP/D3125/C/25/3366182

Land at Little Willow, Oxford Road, Eynsham, OX29 4BT

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Martin Maughan and Mr James Maughan for a full award of costs against West Oxfordshire District Council.
 - The inquiry was in connection with an appeal against an enforcement notice alleging (1) a material change of use from agriculture to “the stationing of caravans for residential purposes”; (2) operations to raise land levels, and associated works; and (3) the erection of timber fencing.
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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 (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 application was made in writing on 27 May 2025, shortly after the appeal was lodged, and the Council provided a written response. At the Inquiry I gave both parties the opportunity to expand or amend their application and comments, but both advised that it was not needed. I have determined this application on that basis.
3. In brief, the Appellants’ case is that the Council made no visits to the Appeal Site prior to serving the current enforcement notice, and so could not have obtained full details of the situation on site due to the substantial screening that exists: there were no caravans stationed on the Appeal Site for residential purposes, and an undetermined application for a Certificate of Lawfulness (“LDC”) for the raising of the land levels was in progress. The Appellants contend that had the Council carried out adequate prior investigation, as advised by government guidance, then the appeals could have been avoided.
4. The PPG explains that when investigating an alleged or apparent breach of planning control, a crucial first step is to attempt to contact the owner or occupier of the site in question; where possible, early engagement is vitally important to establish whether there is a breach of planning control, the degree of harm which may be resulting, and whether those responsible for the breach are receptive to taking action to remedy the breach. It goes on to advise that when deciding the

most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on amenity;
 - the development is acceptable on its merits, and the sole purpose of enforcement action would be to regularise it;
 - in the assessment of the local planning authority, a retrospective application for planning permission would be an appropriate way to regularise the situation.
5. The circumstances of this particular case are that unauthorised operational development, involving the raising of land levels and the laying of hardstanding, is agreed by both the Appellants and the Council to have taken place. It is common ground that this unauthorised development was substantially complete by the end of 2020. The Council first issued an enforcement notice (subsequently withdrawn) in respect of it in April 2021, and the Appellants applied for an LDC in respect of it in February 2025.
 6. It is regrettable, to put it mildly, that the Council made no attempt to engage with the current owners of the land about this breach of planning control during the 3 years and 11 months that passed between the withdrawing of the first notice and the issuing of the second. However, there is nothing at all to indicate that had they done so, issuing the second notice would have been unnecessary and the appeals would have been avoided.
 7. The Appellants made their application for a LDC on the ground that the operational development had been completed more than four years previously, and the Council refused the application on the ground that the time for taking enforcement action had not expired. While the Appellants did not appeal against the Council's refusal of the LDC application, they maintained their position – that contrary to the Council's view, the time for taking enforcement action had in fact expired - throughout the appeals against the subsequent enforcement notice. There is then no reason to suppose that they would have changed their mind about this, and taken voluntary action to remedy the breach of planning control that the LDC application acknowledged, had the matter been the subject of earlier discussion.
 8. The notice identifies the harm that the Council considers is caused by the unauthorised development, and the Council's assessment that the situation could not be regularised by a retrospective grant of planning permission was not challenged through the mechanism of an appeal on ground (a).
 9. For the reasons set out in my determination of the appeals on ground (b), I found the wording of the first allegation to be ambiguous, and incapable of correction without injustice. As a consequence it was not necessary to consider, in the context of the ground (d) appeals, whether or not this first allegation would have been valid under the "second bite" provisions. However, the notice was constructed so that even if I found (as I did, albeit for other reasons) that the allegation of material change of use should be deleted, the separate allegation of unauthorised operational development would remain. It cannot therefore be said that the appeals would have been unnecessary if the first allegation had not been included.

Conclusion

10. In summary, even if I were to accept that the Council behaved unreasonably by failing to contact the Appellants to discuss its concerns between the issue of the first and second notices, and/or by including within the second notice an allegation that was subsequently deleted, it does not follow that this behaviour resulted in unnecessary expense.
11. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not therefore warranted.

Jessica Graham

INSPECTOR