
Costs Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

**Costs application in relation to Appeal Ref: APP/C3105/X/25/3367838
Point to Point Farm, Street from Claydon to Southam Road Mollington,
Oxfordshire OX17 1QE**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Cherwell District Council (“the applicant”) for a partial award of costs against Mr David Jeffries (“the respondent”).
 - The appeal was against the failure of the Council to issue a notice of its decision within the prescribed period on an application for a certificate of lawful use or development for existing use of a dwelling house.
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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.
3. The respondent did not submit any evidence after his grounds of appeal¹ and failed to adhere to the timetable for submission of an inquiry timetable form and proofs of evidence. As a result of that, and his additional failure to confirm that anybody would act as advocate for him, or that they would call any witnesses, it became necessary to change the appeal procedure to written representations.
4. The applicant submits that this failure to engage with the appeal process was unreasonable and led directly to unnecessary and wasted expense on its part through abortive preparation for an inquiry. This included officer time and the expense of instructing counsel.
5. The respondent has not commented on the application. Although not part of the applicant’s claim, there is other clear evidence of his failure to engage with the appeal process and to communicate with other parties to avoid abortive action. This includes his refusal to allow access to the land for a site visit without warning and not co-operating with repeated attempts to establish direct communication when he no longer had an agent representing him.
6. Delay in providing information, failing to adhere to deadlines and resisting or not co-operating with the other party in providing information or discussing the appeal are clear examples of unreasonable behaviour in that appeal. The applicant’s work in producing a proof of evidence and in instructing counsel would not have been

¹ A document submitted as his statement of case was in fact a resubmission of his grounds of appeal.

wasted if the respondent had engaged with the appeal process properly. Alternatively, the applicant's expenditure on those things could have been reduced if the respondent had confirmed that he had not instructed an advocate to appear at the inquiry and would not call witnesses when he should have done.

Conclusion

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense as defined by the PPG has occurred in respect of the preparation for an inquiry and a partial award of costs is therefore warranted.

Costs Order

8. 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 Mr David Jeffries shall pay to Cherwell District Council the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparation for an inquiry; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Mr David Jeffries, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Mark Harbottle

INSPECTOR