



Costs Decision

Site visit made on 15 October 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Costs application in relation to Appeal Ref: APP/D3125/W/25/3363971 Land Adjoining Greenwich Lane, Leafield, Oxfordshire OX29 9QR

- 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 Abbeymill Homes for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of [planning permission for erection of 9 dwellings including affordable homes, with new access and footpath, carports, parking, landscaping, and all enabling works, together with new allotments and dedicated parking.
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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, 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. PPG states that unreasonable behaviour on the part of a local planning authority may include: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate a reason for refusal on appeal, or; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. The appellant alleges that the manner in which the District determined the application has been unreasonable in substantive terms, as listed above.
4. The District consulted and received comments from its Senior Conservation & Design Officer. Although the District did not provide comments from a suitably qualified landscape professional, its Statement of Case nonetheless provides a thorough assessment of the appellant's Landscape and Visual Appraisal.
5. Whilst the reasons for refusal on the decision notice do not cite harm to Policy EH2 of the West Oxfordshire Local Plan 2031 (WOLP) (adopted 2018), this policy clearly relates to the quality, character and distinctiveness of the District's natural environment, and was referred to as such in the appellant's Planning Statement. It was therefore not unreasonable for the District to cite conflict with this policy at the appeal stage.
6. The appellant is also aggrieved in respect of a purported lack of positive engagement from the District during the application process, which was determined in a much longer timeframe than the statutory period. I accept that this must have

been a frustrating experience for the appellant, who perceives this as a lost opportunity to develop a potentially acceptable amended proposal. However, there is little quantitative evidence before me, for example email chains, to demonstrate that the above process constitutes unreasonable behaviour on the part of the District, as described by the PPG.

7. There is some inconsistency between the officer report and the decision notice reasons for refusal. Namely, in respect of the proposed linear layout of the development. To my mind, this lack of clarity constitutes unreasonable behaviour.
8. However, I have found in my appeal decision that the proposed development would cause Major adverse effects upon the Cotswolds National Landscape (CNL) in landscape and visual impact terms. I also found harm to the significance of the Leaffield Conservation Area (LCA) through development in its setting, towards the upper end of the scale of less than substantial harm when having regard to the National Planning Policy Framework (the Framework). I have made these findings despite the respective impacts being localised in scale, and that the design and appearance of the dwellings reflect the local vernacular.
9. My appeal decision balanced the above harms against a substantial shortfall and deterioration in respect of the District's housing land supply position and the overall benefits of the scheme, including its location within safe and convenient walking distance to Leaffield's facilities.
10. Ultimately, in my planning judgement I have found that the application of policies in the Framework that protect areas or assets of particular importance (the CNL and the LCA) provides strong reasons for refusing the development proposed. Consequently, the District's unreasonable behaviour in relation to the interplay between its officer report and decision notice, and potentially also including its engagement with the appellant (or lack thereof) during its determination of the application, has not directly led, in itself, to unnecessary or wasted expense as described in the PPG.
11. Therefore, although some unreasonable behaviour has been evidenced, the requirements for awarding costs have nonetheless not been demonstrated. Hence, I determine that the costs application should fail, and no award is made.

R Cahalane

INSPECTOR