Planning Inspectorate

Costs Decision

Site visit made on 13 January 2026

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2026

Costs application in relation to Appeal Ref: APP/C3105/W/25/3375034
Tuther Corner, Piddington, Aylesbury, Bucks HP18 9UZ

- 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 Mr Dominic McCormick of Lucy Poole Consulting for a full award of costs against Cherwell District Council.
- The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a two agricultural GP barns.

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.

3. 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.

4. The application is made on the basis that the Council refused the prior approval application that met all the necessary requirements as outlined in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and thus caused the applicant to incur unnecessary expense in pursuing the appeal.

5. Firstly, the use of the reasonably necessary test in relation to Schedule 2, Part 6, Class A of the GPDO is a matter of planning judgement. Consequently, the Council's application and interpretation of this matter do not constitute unreasonable behaviour.

6. Secondly, the Council refers to the existing operations on the land which are dedicated to producing hay and highlights that the applicant purchased the land recently and that there is limited reference to the cattle and sheep grazing which was referenced as taking place since 2020. However, an established agricultural unit as defined by paragraph X of Part 3 of Schedule 2 of the GPDO is agricultural land occupied as a unit for the purposes of agriculture and regarding Class A there is no specified period. Nevertheless, it is a matter of planning judgement as to

whether the evidence provided by the applicant was sufficient to demonstrate that it was being used for the purposes of agriculture. Therefore, unreasonable behaviour has not occurred on the part of the Council.

7. Regarding the application of Schedule 2, Part 6, Class A.1(b) of the GPDO relating to a barn that has benefited from the permitted development terms set out in Schedule 2, Part 3, Class Q of the GPDO. The Council acknowledge that the Class Q barn is no longer part of the agricultural unit at present, although it was at the time the prior approval was granted in its Officer Report.

8. Schedule 2, Part 6, Paragraph A.1(b) of the GPDO states, amongst other things, that development is not permitted if it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X) where development under Class Q has been carried out within a period of 10 years ending with the date on which the development under Class A(a) begins.

9. Therefore, given the definition of an established agricultural unit in paragraph X and that the Council acknowledge that the Class Q barn is not part of the same agricultural unit at present as the appeal site, the Council has acted unreasonably regarding the application of Schedule 2, Part 6, Class A.1(b) of the GPDO.

10. Moreover, even if paragraph A.1(b) was pertinent, there is limited substantive evidence before me to adequately demonstrate that the works associated with the Class Q permission have been carried out. Consequently, it remains that the Council has acted unreasonably regarding the application of paragraph A.1(b).

11. Finally, the applicant contends that the Council has relied upon irrelevant and misconstrued evidence. The applicant has failed to adequately demonstrate that the Council has relied upon irrelevant and misconstrued evidence in its determination of the appeal scheme. Therefore, regarding this matter, I conclude that unreasonable behaviour leading to wasted expense has not occurred.

12. It will be seen from my decision that the appeal scheme does not constitute permitted development under Schedule 2, Part 6, Class A of the GPDO given that one barn has been constructed and the footings laid for the remaining barn. Therefore, the development does not comply with all conditions as required by Schedule 2, Part 6, Class A of the GPDO. Consequently, the appeal pursued by the applicant had no prospect of success.

13. Accordingly, whilst I have found that the Council has acted unreasonably regarding the application of Schedule 2, Part 6, Class A.1(b) of the GPDO, any expense in the appeal process was not solely due to actions or decisions by the Council and thus unreasonable behaviour leading to wasted expense has not occurred.

Conclusion

14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

B Astley-Serougi

INSPECTOR