



Costs Decision

Hearing held on 15 January 2026

Site visit made on 15 January 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 March 2026

Costs application in relation to Appeal Ref: APP/C3105/W/25/3372504

The Bell Inn, Manor Road, Great Bourton, Oxfordshire OX17 1QP

- 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 James Day for a full award of costs against Cherwell District Council.
- The appeal was against the refusal of planning permission for the change of use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works.

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. The application essentially relies on the fact that the Council went against the advice of its professional officers and failed to provide adequate reasons for refusing planning permission.
4. The Council members in this case were entitled not to accept the professional advice of officers so long as a case could be made for the contrary view. Meanwhile, Saved Policy S29 of the Cherwell Local Plan 1996 (the CLP), places the onus on the applicant to demonstrate the public house is no longer viable; it is not for the Council to prove its continued viability.
5. Member's therefore needed to make a judgement on viability based on the evidence presented to them. Moreover, viability is not an exact science but instead based on estimations and judgements.
6. The recommendation to planning committee that the application be approved, as set out in the council officer's report, appears to be finely balanced whilst also identifying some limitations in the applicant's submitted evidence. Although the Council's independent consultant largely agreed with the applicant's submitted assessment of viability, it was also not categorical in finding the pub to be financially unviable.

7. The applicant did not provide the trading accounts previously requested by the local planning authority to support the application, albeit for reasons I consider to be outside the applicant's control. Interested parties also raised seemingly legitimate concerns regarding the robustness of the applicant's evidence and actions he had undertaken that may have adversely affected the pub's viability. While detailed evidence was also submitted by interested parties that indicated there remained a possibility that the pub could be viable under an alternative operating model.
8. Given the above circumstances, I do not consider it was unreasonable that Council members concluded that it had not been sufficiently demonstrated that the pub was no longer viable and that its loss was therefore unjustified.
9. Meanwhile, the reasons for the refusal as set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policy of the CLP that the proposal was deemed to be in conflict with, as well as in relation to national policy. I am therefore satisfied that the Council has shown that it was appropriately able to substantiate its reason for refusal.
10. Although my precise reasoning may differ from that of the Council, my overall conclusions align with those reached by its members. As set out in my decision, I agree that the public house holds significant social value for the local community. I also find that insufficient evidence has been provided to demonstrate that it is no longer viable. Accordingly, planning permission should not be granted.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Lewis Condé

INSPECTOR