



Costs Decision

Site visit made on 6 January 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Costs application in relation to Appeal A Ref: APP/D3125/W/25/3371724

Land West of Colt House, Aston Road, Bampton OX18 2BW

- 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 Blue Cedar Homes for a full award of costs against West Oxfordshire District Council.
- The appeal was against the refusal of planning permission for the erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping, and associated infrastructure without complying with a condition attached to planning permission Ref 22/03370/FUL, dated 27 April 2023.

Costs application in relation to Appeal B Ref: APP/D3125/W/25/3371755

Land West of Colt House, Aston Road, Bampton OX18 2BW

- 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 Blue Cedar Homes for a full award of costs against West Oxfordshire District Council.
 - The appeal was against the refusal of planning permission for the erection of three single storey age restricted dwellings (55 years) for older people with access, landscaping, and associated infrastructure without complying with a condition attached to planning permission Ref 24/01471/PA, dated 12 September 2024.
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Decision

Appeal A

1. The application for an award of costs is refused.

Appeal B

2. The application for an award of costs is refused.

Reasons

3. 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 PPG states that a Council would be vulnerable to costs if it prevents or delays development which should clearly be permitted, having regard to its accordance with national policy.
4. This application asserts unreasonable behaviour on the part of the Council as the site benefits from an extant planning permission for residential development, there is no reason to restrict the development to a specific user group; a balancing

exercise was not undertaken by the planning committee and no justification was provided regarding why the appeal site is not suitable for open market housing.

Extant permission

5. Appeal sites A and B benefit from planning permission for 6 and 3 dwellings, respectively. Appeal site A also benefits from planning permission for 5 dwellings which was granted on appeal, after consent had been granted for the 6 dwellings associated with this proposal. All the decisions were subject to a condition restricting the age of occupants. Although the applicant suggests that there is no legitimate reason to restrict the development on sites A and B to a specific user group, this issue has been carefully explored in my main decision. Whilst I have found that the condition is unwarranted in relation to appeal sites A and B, I do not find that this demonstrates that the Council behaved unreasonably by imposing it or refusing to delete it.

No reason to restrict, the benefits of open market housing and the absence of a balancing exercise

6. Although the applicant asserts that there was no reason to restrict the proposals to a specific age, this matter was an integral component of several previous planning decisions. The question as to whether an age restriction is still required, is a matter for my main appeal decision where I have found, on balance, that it is unwarranted. This is due to the location of the site with respect to its accessibility to goods and services and the benefit of unrestricted housing to the Council's 5-year housing land supply shortfall. Nonetheless, despite this finding, I do not regard the Council's decision to refuse to delete the condition to be so peculiar to amount to unreasonable behaviour.
7. The applicant also asserts that open market housing was not considered as a benefit. However, the Council has demonstrated, in paragraphs 9.14 and 9.18 of its appeal statement, that it considered both the deepening shortfall of housing land supply and the benefits and disbenefits of the proposal. A balancing exercise was therefore undertaken, which included the benefit of open market housing alongside the harm from the loss of specialist housing for older people.
8. The Planning Committee refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive, and defensible evidence on appeal to support the decision in all respects.
9. I am satisfied that the appeal statement substantiates the Council's case, at paragraphs 9.13-9.25, that upon taking committee's views into account, reasonable planning grounds aligned against supporting the proposal.

Conclusion

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

P Brennan (INSPECTOR)