



Costs Decision

Site visit made on 11 May 2026

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Costs application in relation to Appeal Ref: APP/J3720/W/25/3360895 Fox And Hounds Inn, Moreton in Marsh Road, Great Wolford, Warwickshire, CV36 5NQ

- The application is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Simon Justin Firkins (SF Planning Limited) for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for the change of use of a former public house (Sui Generis) to a single dwelling (C3).
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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, the Planning Practice Guidance 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 applicant has made this application on the basis that, by introducing a new reason for refusal that was not on the decision notice for a near-identical previous case (the previous case), the Council has prevented or delayed development that should have been permitted, and based its decision on vague, generalised and inaccurate assertions.
4. If the Council does not determine similar cases in a consistent manner it could be exposed to a costs application. In this respect, while the decision notice for the previous case solely focussed on the perceived heritage harm of the scheme, the only reason for refusal concerning the application subject of this costs claim (the second case) related to the issue of the viability of the public house.
5. When the Council determined the previous case, it had surveyors' reports from the appellant and from the company the Council itself had engaged that found the public house use was unviable. While there were various submissions from interested parties contesting these findings, I have been made aware of no professional evidence before the Council that challenged or disagreed with this advice at that time.
6. Then, in between the issuing of the decision for that previous case (in June 2023) and the determination of the second case (in August 2024), the Morgan & Clarke report and subsequent correspondence were submitted. Unlike the surveyor reports already with the Council, these concluded that the premises could still

operate viably. The Morgan & Clarke submissions did not lead me to disagree with the applicant in relation to the matter of viability, but they were nonetheless prepared by recognised professionals in the field. Moreover, collectively they cannot be described as being vague or generalised, and there is no ground to see the assertions on which they were based as being fundamentally inaccurate. Rather, coming to a professional judgement in the light of the assumptions they made and the evidence before them, they concluded differently. Consequently, giving them weight when determining this second case was not unreasonable.

7. As a result, when making the decision on the second case, which is the subject of this costs application, what was before the Council was materially different to what it had to consider when determining the previous case, and it was not unreasonable in affording the Morgan & Clarke submissions significant weight.
8. While the appeal decision concerning the previous case found the lack of viability of the public house use had been clearly shown, that could not have been taken into account when determining the second case as it was issued some 4 months later.

Conclusion

9. Accordingly, although the single reason for refusal in this second case was different to that in the previous one, it has not been shown the Council acted unreasonably in its prevention of a development that should have been permitted, or by reliance on vague, generalised and inaccurate assertions. As such, the actions of the Council have not resulted in the applicant incurring unnecessary or wasted expense in the appeal process, and so neither a full, nor a partial award of costs is justified.

JP Sargent

INSPECTOR