



Costs Decision

Site visit made on 2 June 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2026

Costs application in relation to Appeal Ref: APP/D3125/C/25/3373228

5 Thorpes Field, Alvescot, Bampton, Oxfordshire, OX18 2QF

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andy Guy for a full award of costs against West Oxfordshire District Council.
 - The appeal was against an enforcement notice alleging the breach of planning conditions relating to the landscaping and enclosure of an approved garden extension and paddock area.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant refers to factual errors in the Notice. The Notice was generally clear as to what planning concerns it sought to address and the causes of planning harm. However, as I have found, the framing of the Notice was largely undone by inaccurate definition of the site, in turn, potentially leading to an insufficiently precise description of the allegation, although this remains unclear.
4. The Council's mapping was not necessarily incorrect. It was entitled to reduce the effective area of the Notice and indeed that would encompass the majority of the Council's stated concerns. However, in doing so in relation to a breach of condition notice, and without further clarification, it likely introduced unintended uncertainty. While the restriction of the Notice area probably prejudiced the Council's aims more than the applicant's case, it nevertheless resulted in the applicant's legitimate requirement to question the standing of a notice.
5. For the reasons described in my decision, some aspects of the Notice could not be corrected, and it was therefore found to be invalid. While the applicant's concerns in relation to the location of laurel hedging and the description of the gate/fence, for example, were not supported, there were rightful concerns in relation to the area covered by the Notice particularly in relation to hedges, fences and birch tree planting. However, the Council seemed to rely on a contention that the requirements of an enforcement notice could extend beyond its defined area or could be corrected within the terms of s176. This was incorrect.
6. As matters highlighted in the applicant's statement, it was open to the Council to review and potentially withdraw the Notice and to serve a further notice which

clearly sets out the nature of the breach and the requirements, should it consider it expedient to do so, subject to the provisions of s171B(4) of the Act. However, in contending that part of the landscaping scheme could be deleted while seeking the breach to be addressed fully, the Council introduced a contradiction that was unhelpful – particularly to any consideration of the ground (a) appeal and the concerns arising from the reason for serving the Notice. I find that approach was unreasonable and has resulted in the applicant's unnecessary expense in the appeal process.

7. The applicant claims that the Notice was not correctly served on all parties. Notwithstanding that the Notice refers to all of the relevant parties referred to, as I have found, the applicant's limited initial ground (e) submission did not correctly address the service of the Notice. This was only made out at the Final Comments stage. It was therefore too late for the Council to respond and was duly discounted. It is not, therefore, a sound basis for a costs claim.
8. Where a local planning authority has purported to have served a parallel notice it is not unreasonable for them to refer to it as a materially related matter as part of the site planning record. The applicant's time necessary to address any matters and/or introduced complexity around the 2025/6 notice cannot be said to be unreasonably imposed. Whether or not that notice was correctly served is a matter outside of the considerations in this appeal. Moreover, an appeal against an alleged breach of planning controls consisting of a breach of conditions cannot regularise any use of land. The claim for costs in relation to the separate notice is not appropriate here because, while relevant, it was not directly the subject of the appeal.
9. The applicant is critical of the Council's extent of investigation – much was made of reference to the replacement of a gate when, in fact, only over-cladding occurred to the original structure. It was not an unreasonable interpretation by the Council and, had it been necessary, could have been corrected without injustice because that means of enclosure did not appear as approved. The Notice was sufficiently clear as to what was being referred to and what was required to meet the relevant conditions. There was no unreasonable behaviour there.
10. Concerns in relation to consistent decision making because of approvals at neighbouring properties are not well-founded. The site circumstances are different because the appeal site openly overlaps with a turning head readily visible from the public highway and adjacent areas. Furthermore, precedent is rarely an argument that should carry great weight in planning decisions which should be made on their own merits in the context of the development plan and other material considerations. I find no unreasonable behaviour in that regard.
11. Whether or not a Council finds it expedient to serve an enforcement notice is not a matter for the appeal.
12. In conclusion, I find the application should succeed in part. That being limited to the case made by the applicant in relation to the validity of Notice ref. 2025/5 (only) in respect of its clarity caused by the limitation to only part of the site subject of the relevant conditions imposed on planning permission 16/01595/FUL. This had

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all

other enabling powers in that behalf, IT IS HEREBY ORDERED that West Oxfordshire District Council shall pay to Mr Andy Guy, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in making the ground (b) appeal and validity claims insofar as they related to the allegation and requirements against the area covered by the 2025/5 Notice; such costs to be assessed in the Senior Courts Costs Office if not agreed.

14. The applicant is now invited to submit to West Oxfordshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Hitchcock

INSPECTOR