Planning Inspectorate

Costs Decision

Site visit made on 3 November 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Costs application in relation to Appeal Ref: APP/D3125/C/26/3377615
Land at 28 Flexneys Paddock, Stanton Harcourt OX29 5RS

- 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 Mrs Amanda Fox for a full award of costs against West Oxfordshire District Council.
- The appeal was against an enforcement notice alleging the erection of an outbuilding with associated raised steps and patio area.

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 appellant's case is that the Council:

    - issued the enforcement notice despite the extant lawful development certificate;
    - failed to establish the structure was not a caravan;
    - relied on development plan and national planning policies that were legally irrelevant;
    - therefore caused unnecessary expense, delay and anxiety.

4. As part of its evidence, the Council sought to distinguish the structure that was granted a lawful development certificate from the development that was enforced against; and to explain why the latter was not considered to be a caravan. Notably, officers took the view that the mobility test was not satisfied. In the main decision, I concurred with the Council that the two structures were distinguishable, and that the structure on site was not a caravan.

5. Accordingly, the existence of the LDC did not, in itself, weigh in favour of the development enforced against. Nor can it be said the Council failed to establish the structure was not a caravan.

6. In taking enforcement action, the Council is required to give reasons on the enforcement notice as to why they consider it expedient to issue the notice. In

particular, the relevant regulation requires the notice to specify all policies and proposals in the development plan which are relevant to the decision to issue an enforcement notice[1]. In this case, no ground (a) appeal was made, and so there was no deemed planning application to consider. This meant that the question of planning policy was not relevant to the appeal decision. However, it did not mean that the Council acted unreasonably in citing planning policies that were relevant to its decision to issue an enforcement notice.

7. The nature of the 'delay', said to have been caused by the Council's actions, has not been explained. That anxiety has been caused is regrettable, however I do not find unreasonable behaviour by the Council to be responsible.

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

R Merrett

INSPECTOR

[1] The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 – Regulation 4(b).