
Costs Decision

Site visit made on 16 August 2016

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2016

Costs application in relation to Appeal Ref: APP/Q3115/W/16/3147625 Land north of Beech Lane, Woodcote, Reading RG8 0PX

- 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 Hicks Developments Ltd for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of 5 new houses with parking and new access to Beech Lane. (2 x 2 bed, 2 x 4 bed, 1 x 5 bed units). Retention of smaller paddock for continued use for grazing.
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Decision

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

Reasons

2. The national Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may only 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 Council had refused planning permission for a development of five dwellings along Beech Lane, Woodcote, for reasons of character and appearance in an Area of Outstanding Natural Beauty (AONB), and lack of provision for off-street parking.
4. The appellant submitted a costs application in writing. In this it was argued that the Council had acted unreasonably in failing to substantiate the reasons for refusal, making generalised or inaccurate assertions unsupported by objective analysis, refusing planning permission on grounds capable of being dealt with by condition, and preventing development which should clearly be permitted. For clarity I have considered the application for costs under those same headings.

Unsubstantiated reasons and generalised assertions

5. The main parties disagreed that the principle of development was acceptable on the appeal site. The appellant cited the Council's draft Landscape Capacity Study¹ (LCA) which concluded that part of the appeal site could be developed and noted that the Council did not refer to this document in its reasoning. However, the LCA also identified the impact of potential housing development

¹ Landscape Capacity Assessment for Sites on the Edge of the Larger Villages in South Oxfordshire , Draft August 2015

on the local landscape and found some harm. Furthermore, whilst I recognise that this document was prepared in order to identify sites additional to those allocated in the Neighbourhood Plan² (WNP), it is still in draft form. I concur with the appellant that the Council has policies to allow suitably designed and located housing development in Woodcote but it is clear from the Council's evidence that their main concerns were the principle of development, and the character and appearance of the AONB. Although specific reference to the LCA and its findings could have given further weight to the officer's report, the information within that report was sufficient and identified the key issues. As such, I disagree with the appellant that the Council had not substantiated its concern in this regard.

6. The appellant stated that there was 'no logical argument bridging the gap between Paragraphs 6.3 and 6.4 of the Council's case'. Paragraph 6.3 described the site's location and its position within sporadic ribbon development. Paragraph 6.4 noted that the planning history of the site demonstrated the Council's resistance to development which would result in the undesirable consolidation of the development pattern on Beech Lane, which is contrary to the character of the area. As noted above, whilst a more detailed analysis could have provided further weight to the Council's case, the key issue was identified.
7. It was also considered by the appellant that the Council had not considered the site in the context of Policy CSR1 of the Core Strategy³ (CS) which allows infill development, or provided any assessment of harm, were the appeal to be allowed. Whilst I appreciate that the size of a small gap in a built-up frontage is not defined or addressed by the Council, even if the site were to qualify as an infill site, this policy also requires development proposals to be tested against their effect on the character and appearance of the AONB and the Council's evidence indicates that that was the approach taken. I appreciate that the appellant disagreed with the Council's stance, but I do not find their view vague or generalised, nor indicative of unreasonable behaviour.
8. With regard to parking, the appellant raised the concern that the Council relied on standards in the WNP. Whilst I have not found harm in this regard, I find nothing unreasonable in the Council's adherence to the standards set out in the policy.

Conditions

9. It is apparent from the Council's evidence, which raised concerns in respect of the principle of development on the appeal site, that conditions would not make the development acceptable in planning terms. Consequently, I give little weight to this argument. Policy CSR1 (CS) does not allow infill development irrespective of other considerations and in this case those considerations would outweigh the limited benefits of additional housing, were the appeal to be allowed. With regard to parking provision, I appreciate that the highway authority raised no concern in respect of the off-street parking provision, but as noted above, this does not invalidate the concerns of the Council or the provisions of the WNP. A condition would not necessarily address the concern of insufficient off-street parking as the parking provision would be predicated upon the proposed site layout.

² Woodcote Neighbourhood Plan 2014

³ South Oxfordshire Core Strategy 2012

Delayed development

10. The Council did not dispute that it does not have a five year housing supply, which renders its policies for housing supply out of date. However, as I have stated in the introduction to my decision, the site lies within the AONB. Consequently, Paragraph 14 of the National Planning Policy Framework, which supports the presumption of sustainable development in the absence of up to date policies, can only be considered following an assessment of the effect of any development with regard to the specific policies of restriction, including AONB protection, set out in the associated footnote.
11. In any case, the Council maintained that in the overall planning balance, the adverse effects of the development on the AONB outweighed the benefits to be gained from a limited addition to housing supply. I have also identified harm in my decision. Consequently, I disagree with the appellant that the Council has delayed or prevented development which should clearly be permitted, and I do not find that the Council has acted unreasonably.
12. I therefore find that unreasonable behaviour resulting in unnecessary of wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not justified.

Amanda Blicq

INSPECTOR