
Costs Decision

Site visit made on 9 January 2018

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Costs application in relation to Appeal Ref: APP/Q3115/W/17/3179446 Land to the west of Ridgeways, New Road, Shiplake, Henley-on-Thames

- 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 Mr Jon Hickton, North Oak Homes for a full award of costs against South Oxfordshire District Council.
 - The appeal was against the refusal of outline planning permission for up to 4 dwellings, with all matters reserved except access.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The PPG provides examples of circumstances which may lead to an award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The appellant submits that the positive pre-application advice from the Council resulted in the submission of the planning application for up to 7 units on the site. The scheme was subsequently amended during the course of the planning application to reflect the comments raised by the Planning Officer. Despite a recommendation from the Planning Officer to grant planning permission for the up to 4 dwelling scheme, the Area Planning Committee refused the application.
5. In refusing the application the applicant considers that regard was not had to paragraphs 47-49 of the National Planning Policy Framework (the Framework) or paragraph 14 in respect of out-of-date planning policies. He also considers that the reasons for refusing the application are unjustified.
6. The Committee made its decision after considering a detailed Officer report setting out the planning considerations for the case and containing the planning history of the site, development plan policies and consultation responses. The report also stated that the Council's policies for the supply of housing had

- reduced weight because of the Council being unable to demonstrate a 5 year supply of deliverable housing sites. Local planning authorities are not bound to accept the advice of their Officers, however, where they do not they will be required to show reasonable planning grounds for taking a contrary decision and produce relevant evidence at appeal to support the decision in all respects.
7. Whilst noting the applicant's concerns about the conduct of the Committee and the submissions made to it by interested parties, it seems from the submitted evidence that the Planning Officer provided guidance in respect of the matters raised at the meeting. It is therefore likely that the Committee made an informed decision, taking the comments of the Planning Officer into account, as well as the other information before it. I find that on the basis of the evidence before me this is not an indication of unreasonable behaviour on the Council's behalf. It is however open to the applicant to raise the conduct of the Committee meeting with the Council.
 8. Furthermore, I find that given the concerns raised by the Parish Council and local residents in respect of the proposal's impact on the character and appearance of the area, and the site's location relative to the built-up area of Lower Shiplake, that it was not unreasonable of the Committee to attach significant weight to these matters when it determined the planning application.
 9. Moreover, I am not convinced on the basis of the evidence before me that the Committee did not undertake a balancing exercise in its consideration of the planning application. The refusal reason makes it clear that 'The adverse impacts of the development would significantly and demonstrably outweigh its benefits'. This implies that such an exercise was undertaken to me.
 10. I am satisfied that the Council substantiated its concerns in respect of the proposal within its evidence submitted at the appeal stage. Whilst the Council's policies relating to the supply of housing are not up-to date, the absence of a 5 year supply of deliverable housing sites does not infer that the development plan as a whole is out-of-date. It was not unreasonable of the Council to refer to the policies of the development plan it considered the proposal conflicted with.
 11. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG has not been demonstrated. The applicant's expense in pursuing the appeal was not wasted, and the work undertaken was a necessary part of his case.
 12. For the reasons given above, I refuse the application for an award of costs.

R C Kirby

INSPECTOR