



---

## Costs Decision

Site visit made on 18 March 2022

**by James Blackwell LLB (Hons) PgDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 April 2022**

---

### **Costs application in relation to Appeal Ref: APP/V3120/W/21/3285789 29 Colley Wood, Kennington, Oxford OX1 5NF**

- 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 Tom Rourke for a full award of costs against Vale of White Horse District Council.
  - The appeal was against a refusal of planning permission for a change of use of the dwellinghouse (Use Class C3) to a 9-bed HMO (Sui Generis) facilitated by the extension of the dropped kerb.
- 

### **Decision**

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

### **Reasons**

2. 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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, which can include making vague or generalised assertions about a proposal's impact, or by failing to provide evidence to substantiate reasons for refusal. In this instance, the applicant alleges that the Council was not transparent in terms of the information it relied on to reach its decision, and more specifically, that it sought to rely on a document that does not exist.
3. Whilst the Council's delegated report references "adopted parking standards" in passing, it does not provide specific detail of what these are. Nonetheless, Policy CP35 of the Council's Local Plan 2031 (Part 1), which is referenced in the report, says adequate parking for new developments should be delivered in accordance with Oxfordshire County Council's published standards. These published standards are the "*Transport for New Developments, Parking Standards for New Residential Developments (December 2011)*" (Parking Standards). The Parking Standards are readily available online, and even if the applicant had difficulty in locating them, they could have requested a copy directly from the Council. In the absence of evidence to the contrary, it is therefore apparent that the referenced standards do exist, and that they are within the public domain. Moreover, these standards were even referenced in the applicant's Transport Statement.
4. In terms of the Council's reasoning, its delegated report included the full consultation response of the County Council's highways officer, which

concluded the development would require 9 on-site parking spaces to serve its occupiers. This conclusion reasoned that HMO occupiers will often live independently from one another, which means the proposed 9-bed HMO could conceivably lead to parking demand equivalent to 9 x single-bedroom dwellings. This conclusion was also based on an assessment of the appeal property's location with regard to access to public transport and other local services, as well as a consideration of existing parking pressure within the vicinity of the appeal site. The Council's position was therefore clear and transparent, and grounded in planning judgment.

5. Moreover, whilst the Parking Standards do say that HMOs shall be considered as a single dwelling for the purpose of assessing the required number of spaces, the Parking Standards are explicit that for HMOs with more than 7 occupiers, the Council may require additional spaces over and above the relevant dwelling benchmark figure, where proposed development is located in an area with known congestion issues. Even if this guidance was not specifically referenced, given the parking pressure within the vicinity of the appeal site (as evidenced by photo evidence from local residents), the Council's conclusion was therefore still justified when assessed against the relevant policy requirements and associated parking standards.
6. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

*James Blackwell*

INSPECTOR