The Planning Inspectorate

Costs Decision

Site visit made on 18 October 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2022

Costs application in relation to Appeal Ref: APP/H1705/W/22/3298464
Land at Redlands, Reading Road, Sherfield on Loddon, Basingstoke RG8 0PL

- 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 Cooper Estates Strategic Land Limited for a full award of costs against Basingstoke and Deane Borough Council.
- The appeal was against the refusal of outline planning permission for up to 57 no. new dwellings (all matters reserved except access and layout).

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.

3. Planning permission was refused against professional advice. This in itself does not constitute unreasonable behaviour. Members are not bound to accept the recommendations of their officers. An award of costs would only be warranted where the Council cannot produce relevant evidence to show that there were reasonable planning grounds for taking a contrary view.

4. The starting point for any assessment should always be the development plan. The Council was able to identify potential conflicts with Policy SS3.7 of the Basingstoke and Deane Local Plan in respect of the location of the proposed development at the eastern end of the Redlands allocation and the failure to adopt a coordinated approach towards the provision of infrastructure. Such conflicts were not fatal to the appeal, but the Planning Committee was entitled to form the view that the scheme did not comply with the development plan.

5. Consideration of the disputed matters involved the exercise of planning judgement concerning the impacts on the character and appearance of the area, and whether residents of the proposed development would have acceptable access to services and facilities. The Council supported its written statement with coherent arguments at the hearing. That the landscape evidence had not been presented to members of the Planning Committee does not constitute unreasonable behaviour; it is not uncommon for local planning authorities to prepare such material to expand upon their refusal reasons.

6. The Council conceded that some development may be acceptable on the site. However, this was in the context of a local plan review and the requirement for additional housing sites. It does not automatically follow that the appeal scheme, with its particular density and layout, is acceptable under the current policy framework.

7. The presumption in favour of sustainable development within paragraph 11 (d) of the National Planning Policy Framework tilts the balance in favour of granting permission in circumstances such as this, where the requisite 5 year supply of deliverable housing sites cannot be demonstrated. However, it is not unassailable. The development plan retains its status and primacy, and the weight attached to other material considerations is a matter for the decision maker. It was for the members to decide whether the adverse impacts significantly and demonstrably outweighed the benefits.

8. Notwithstanding my decision to allow the appeal, the Council's stance was not unreasonable. The Committee's resolution to refuse permission had a basis in development plan policy. The decision may not have accorded with the views of officers or the appellant, but it did not stray beyond the parameters for reasonableness. Accordingly, I conclude that unreasonable behaviour, as set out in the PPG, has not been demonstrated. An award of costs is not justified.

Robert Parker

INSPECTOR