



Costs Decision

Site visit made on 12 January 2023

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2023

Costs application in relation to Appeal Ref: APP/C3105/W/22/3298098 Land to the south of Faraday House, Woodway Road, Sibford Ferris

- 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 Blue Cedar Homes Limited for a full award of costs against Cherwell District Council.
 - The appeal was against the refusal of planning permission for the erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure.
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Decision

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

Reasons

2. 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. Officers gave positive advice to the proposal at pre-application stage and a recommendation for permission at committee. However, the Council's committee are entitled to come to a different decision if they have provided evidence to justify its reasons for refusal. Furthermore, pre-application advice is informal and limited consultation would be carried out on the proposal unlike the formal planning application which was subject to a wide range of consultations.
4. Given the decision to dismiss the appeal, the Council has not prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations. In terms of the design issue, the Council's appeal statement details evidence within sections 2 and 3 detailing its case and conclusion. In respect of examples of single storey dwellings, it acknowledges that they exist elsewhere but are in a minority dotted around the village.
5. The Council's committee would have been aware of the 5 year housing land supply position and the outline appeal decision for 25 dwellings on a neighbouring piece of land because this was detailed in the officers report. In defending its decision to refuse the planning application, the Council's appeal statement comments on these considerations, including how it has considered them in a planning balance. Within its statement, it details that the requirement for new housing had to be considered alongside other requirements within the tilted test at paragraph 11 d) ii of the Framework.

6. The applicant indicates that the 750 dwellings referred within Policy Villages 2 under the Cherwell Local Plan Part 1 2011-2031 is not a target contrary to a view it says was held by the Planning Committee. However, there is no evidence of this within the appeal documentation, in particular the officer's report and committee minutes. Indeed, the officer's report acknowledges that this is not a ceiling and not a reason to refuse the proposal, and the Council appeal statement does not use it as an overriding basis for objecting to the proposal.
7. Within the Council's appeal statement, the conclusion sets out a planning balance weighing up the considerations. Whilst the applicant will disagree with the final decision, it inevitably involves some subjectivity. In my decision, the accessibility of services and facilities has not been as a basis for objection, but the Council has produced evidence to support its position. Its appeal statement indicates that the village is somewhat small on its own and remote with very limited services and amenities. As such, the Council has produced evidence to substantiate each reason for refusal on appeal. It has not produced vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jonathon Parsons

INSPECTOR