



Costs Decision

Site visit made on 17 January 2023

by M. P. Howell BA (Hons) DipTP MRTPI

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

Decision date: 4 April 2023

**Costs application in relation to Appeal Ref: APP/V3120/W/22/3307048
Little Lane Orchard, 95 The Causeway, Steventon, Oxfordshire, Abingdon
OX13 6SJ**

- 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 & Mrs I & J Goulding for a full award of costs against Vale of White Horse District Council.
 - The appeal was against the refusal on an application for a self-build four-bedroom detached house with double car port.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities includes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal. The applicant makes the case that the Council has prevented a proposal which could reasonably have been permitted in the light of the development plan, national planning policy and all other material considerations. The applicant contends that the Council failed to produce evidence to substantiate each reason for refusal, making vague or inaccurate assertions about the proposal impact and for not determining similar cases in a consistent manner.
4. It is stated that the Council failed to have regard to previous appeals that dealt with the matter of development within the setting of the Steventon Conservation Area. Also, they did not properly assess the positive benefits of the proposals against any perceived harm. Furthermore, the applicant raises issue with the Councils position on the Sequential Test, indicating that they failed to follow national guidance and substantiate why the search area carried out by the applicant was too narrow.

5. In respect of the first reason for refusal, the Council's Conservation Officer's comments and Officer's report on the impact of the proposal on the Steventon Conservation Area and the setting of the Listed Buildings are sufficiently detailed and relevant to the planning application proposal. The reasons for the refusal set out in the decision notice are also complete, precise, and relevant to the application. It clearly states the conflicting policies of the Vale of White Horse Local Plan 2016 (Part 1) and Vale of White Horse Local Plan 2017 (Part 2) and the Framework.
6. Notwithstanding my position on this on the accompanying appeal, the impact of the proposal on the heritage assets, and the weighing of any harm against public benefits is a subjective matter. As such, the Council were entitled to take a different view and, albeit brief, I am satisfied that the Council considered the harm against the public benefits in the Planning Officer's report, as required by Paragraph 202, of the National Planning Policy Framework (the Framework).
7. I have had regard to the appeal decision highlighted by the appellant.¹ Although I appreciate that the inspector in that case weighted the balance differently, this is not to say the Council were being unreasonable by not coming to the same conclusion. There are clear differences in the number of dwellings being proposed as well as having a different relationship to Steventon Conservation Area. As such, the impact upon the Conservation Area and its balance against public benefits would be different, and the Council were entitled to consider this proposal on its own merits.
8. In respect of the second reason of refusal, the advice and guidance set out in Planning Practice Guidance (PPG) does provide a school catchment area as an example for a search area. However, for the reasons given in the accompanying appeal decision, the advice does not suggest that this is appropriate for all. The search area for a Sequential Test should be district wide but based on the specific development and local circumstances, the area can be narrowed. As such, the Council can form a different view, particularly in a case where the search area has not been formally agreed between the two parties prior to the submission or during the process of the application.
9. I do not consider that the Council failed to properly evaluate the application or made inaccurate, vague or generalised or inaccurate assertions about the scheme. The reasons for refusal are clearly set out in respect of national and local policies on the main issues, but they arrived at a different conclusion on subjective matters. I appreciate that the Council's decision would have been a disappointment to the applicant, but the Council had legitimate concerns about the impact of the development, which justified their decision, which is not a basis for unreasonable behaviour.
10. Accordingly, the appeal could not have been avoided, and unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

M. P. Howell

INSPECTOR

¹ Appeal reference APP/V3120/W/20/3265465