



Costs Decision

Site visit made on 10 September 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Costs application in relation to Appeal Ref: APP/J3720/W/25/3363868 Land Adjacent to Meadow Bank, Camp Lane, Henley in Arden B95 5QG

- 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 Andrew Graham for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for the erection of detached two storey dwelling and detached garage (Self Build Plot).
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The costs application essentially alleges that the Council maintained an objection for an issue that a previous appeal decision found to be acceptable and delayed development that should clearly have been permitted.

The previous appeal decision

4. The previous appeal decision¹ resulted from the Council's refusal which considered that the proposed dwelling conflicted with Green Belt policy, in failing to be regarded as limited infilling within a village, and harmed the character and appearance of the area, within the Arden Special Landscape Area. The previous appeal found that the proposal would not amount to limited infilling, as the site was not deemed to be within a village, but found no harm to the character and appearance of the area. Although not a main issue of that decision, the Inspector also found that the site was reasonably well located with regard to access to goods and services.
5. As found in my main decision, the proposal caused conflict with the Council's spatial housing policies, being outside a settlement boundary, but resulted in only modest harm due to the site being reasonably well located with respect to access to goods and services.
6. The previous appeal decision defined the main issues as the effect on the Green Belt and on the character and appearance of the area, in responding to the

¹ Planning Appeal Reference: APP/J3720/W/24/3339007

Council's November 2023 reasons for refusal. Nonetheless, the Council's first reason for refusal included reference to the open countryside and being outside the confines of a settlement boundary, triggering conflict with Core Strategy policies CS.15 and AS.10. However, other than finding the site to be reasonably well located, the Inspector was silent with respect to these policies.

7. The appeal decision found conflict with respect to Green Belt policy and gave no weight to compliance with other normal development management objectives of the development plan. As such, whether or not the proposal conflicted with other policies of the plan, such as CS.15 and/or AS.10, this would not have materially affected the outcome of the decision to dismiss the appeal on Green Belt harm.
8. Accordingly, the matter of spatial housing policies remained 'open' following the previous appeal decision. I therefore do not find that the Inspector took a determinative view on this matter and as a result the Council has behaved reasonably in raising this objection to the proposal in its most recent decision.

Unnecessary delay

9. The first appeal was dismissed due to conflict found with Green Belt policy. Following the publishing of the new version of the Framework in 2024, the Council undertook a new assessment of the resubmitted scheme. In contrast to its previous decision and the appeal decision, it found that Green Belt policy had been satisfied, finding the site was previously developed land, but maintained its concerns with respect to the location of the proposal being outside a settlement boundary.
10. The applicant refers to the effect of material considerations on the merits of the proposal, such as the development plan's absence of Self-Build housing policies and a shortfall in the Council's supply of self and custom build housing. In my main decision, I agreed that the Council had not demonstrated it had an adequate supply of such housing. Also, a very recent appeal decision² identified that the Council cannot demonstrate it has a five-year supply of housing.
11. As such, the proposal was subject to the presumption of sustainable development. Accordingly, material considerations associated with this proposal, in combination, were found to be of over-riding weight which outweighed the modest conflict found with the development plan. Nevertheless, these matters did not clearly demonstrate that material considerations of over-riding importance. Therefore, the Council was entitled to find the scheme could not be supported when undertaking its planning balance, where it gave weight to the benefits of the delivery of self-build housing. Accordingly, I find that the Council did not behave unreasonably in its decision making and therefore the proposal has not been subject to unnecessary delay.

Conclusion

12. Therefore, I have found that the Council has not acted unreasonably. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated.

B Plenty

INSPECTOR

² Planning Appeal Reference: APP/J3720/W/25/3358848