
Costs Decision

Site visit made on 14 January 2026

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2026

Costs application in relation to Appeal Ref: APP/J3720/W/25/3369490

Land South of Stockton Road, Napton-on-the-Hill, Warwickshire, CV47 8NG

- The application is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990, and section 250(5) of the Local Government Act 1972.
 - The application is made by Landstrom Group Limited (the applicant) for a full award of costs against Stratford-on-Avon District Council.
 - The appeal was against the refusal of planning permission for 13 serviced plots for Custom and Self-Builders, public open space and associated works.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the *Planning Practice Guidance* (the 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 Council's housing land supply situation, which is at the heart of this costs application, evolved notably over 2024/2025, and the chain of changes can be summarised as follows:

October 2024 the Council considered it had a housing land supply of 24.65 years as of 31 March 2024.

December 2024: A revised version of the *National Planning Policy Framework* (the Framework) and associated revisions to the PPG were issued with changes to the 'standard method' for local housing need.

5 February 2025: Contrary to Officers' recommendation, Members chose to refuse the application subject of this costs submission by 6 votes to 4, no doubt mindful that there was a housing land supply in the District of 24.65 years. The decision was issued on **20 February 2025**.

19 June 2025: The Council published an '*Interim Five Year Housing Land Supply Calculation Summary at the base date of 31st March 2024*'. This updated the housing land supply assessment in the light of the revised Framework, and concluded the District had a housing land supply of 5.06 years.

8-18 July 2025: An Inquiry was held into an appeal concerning 130 dwellings on a site elsewhere in the District at Bordon Hill, where the issue of housing land supply was examined in detail. The Council does not appear to have altered its position over the course of the Inquiry in relation to this matter, as, according to

the appeal decision, at the end of the Inquiry it maintained that it had a housing land supply of 5.06 years.

The appeal subject of this costs application was dated **18 July 2025**.

3 September 2025: The Bordon Hill decision was issued, with the Inspector finding there was only a supply of 2.74 years in the District.

15 October 2025: The Council confirmed that in the light of the Bordon Hill decision it wished to withdraw its reason for refusal concerning the appeal subject of this costs application, as it acknowledged that the weight to be attributed to policy conflict was then outweighed by the significant deficit in its 5 year housing land supply.

4. Although Officers recommended permission should be granted when the planning application subject of this costs submission was considered by the Planning Committee, in principle it is not unreasonable for its Members to find differently. This is especially so in cases where judgements are involved, and perceived harms have to be weighed against suggested benefits.
5. The Council withdrew its reason for refusal before it submitted an appeal statement and so never expanded its concerns beyond the minutes of the Committee meeting. However, given my own conclusions, it was not necessarily unreasonable to find harm to the character and appearance of the countryside would have been caused by the development. I also consider that, given definitions found within the planning system, the contention that it was not a small-scale scheme was not unreasonable either.
6. Turning to the specific timescales and their effect on housing land supply, there was clearly an expectation that Councils should re-appraise their housing land supply situation as quickly as possible in the light of the changes to the 'standard method' in the revised Framework. I have nothing before me to explain why this had not been completed by the date the planning application subject of this costs submission was considered, or indeed anything to say what processes and procedures such a re-appraisal required and how long it could be expected to take. It is therefore difficult to conclude the Council acted unreasonably by not having the revised figure available for the Planning Committee on 5 February or indeed by the time the decision was issued.
7. However, even if the re-appraisal had been done by then, it is fair to assume the Council would have found it had the 5.06 year supply that it subsequently arrived at in June. This would have meant that, although there would have been some effect on how this was weighed in the balancing exercise, the Council would have been of the opinion that it continued to have a 5 year supply of deliverable housing sites (albeit one that was marginal and much reduced). As a result paragraph 11d in the Framework, and the so called 'tilted balance', would still not have been engaged.
8. In the light of the above, I do not share the applicant's view that the material considerations that caused the local planning authority to withdraw its reason for refusal in October were precisely the same and true when the decision was made in February. This is because it only withdrew its reason for refusal once it accepted the housing land supply was 2.74 years, and that acceptance only arose on receipt of the Bordon Hill decision, after the applicant's appeal had been lodged.

9. Furthermore, in its Grounds of Appeal, the applicant was advocating a housing land supply figure similar to that put forward by those pursuing the development subject of the Bordon Hill appeal. However, as the Appeal Form was dated the day the Bordon Hill inquiry finished it was quite clearly not a position with which the Council concurred at that time. Consequently, it was reasonable for the Council not to re-assess the applicant's proposal then, but rather to wait for the decision of the Bordon Hill Inspector.
10. Moreover, the applicant has expressed the view that the vote by the Planning Committee against the proposal was so marginal that had a more accurate and much lower housing land supply figure been given to the members (whether that be the 2.74 year figure or presumably even the 5.06 year figure) the voting could have been different and the scheme allowed. However, it is clear that the Council's approach to calculating its housing land supply prior to the Bordon Hill decision would not have given rise to the 2.74 year figure and, aware of differing interpretations of housing land supply guidance, I have no basis to consider that it was unreasonable for the Council not to have arrived earlier at that figure instead of the figure of 5.06 years. I also have nothing to give any degree of confidence that there would have been a different decision if members had been weighing the scheme's benefits and harms on the understanding that the District's housing land supply stood at 5.06 years.
11. As a result, even if I had found the Council had acted unreasonably by responding slowly to the changes to the standard method, it has not been shown this would have affected the outcome of the case and rendered the appeal unnecessary.
12. Finally, as the Bordon Hill decision came out on 3 September, I consider notifying the Inspectorate on 15 October that it was not intending to defend its reason for refusal does not constitute an undue delay.

Conclusions

13. Therefore, for the reasons given above, I conclude it has not been shown that unreasonable or unnecessary actions by the Council have caused the applicant to incur unnecessary or wasted expense. The application for costs is therefore dismissed

JP Sargent

INSPECTOR