

# Appendix One

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- Application site
- Land in control of applicant

REVISIONS:  
REVISIONS

**PLANNING**

**BB**  
architecture  
+ planning

15, SHERWOOD WAY  
WYDE, WILT  
WYDE, WILT  
WYDE, WILT  
WYDE, WILT

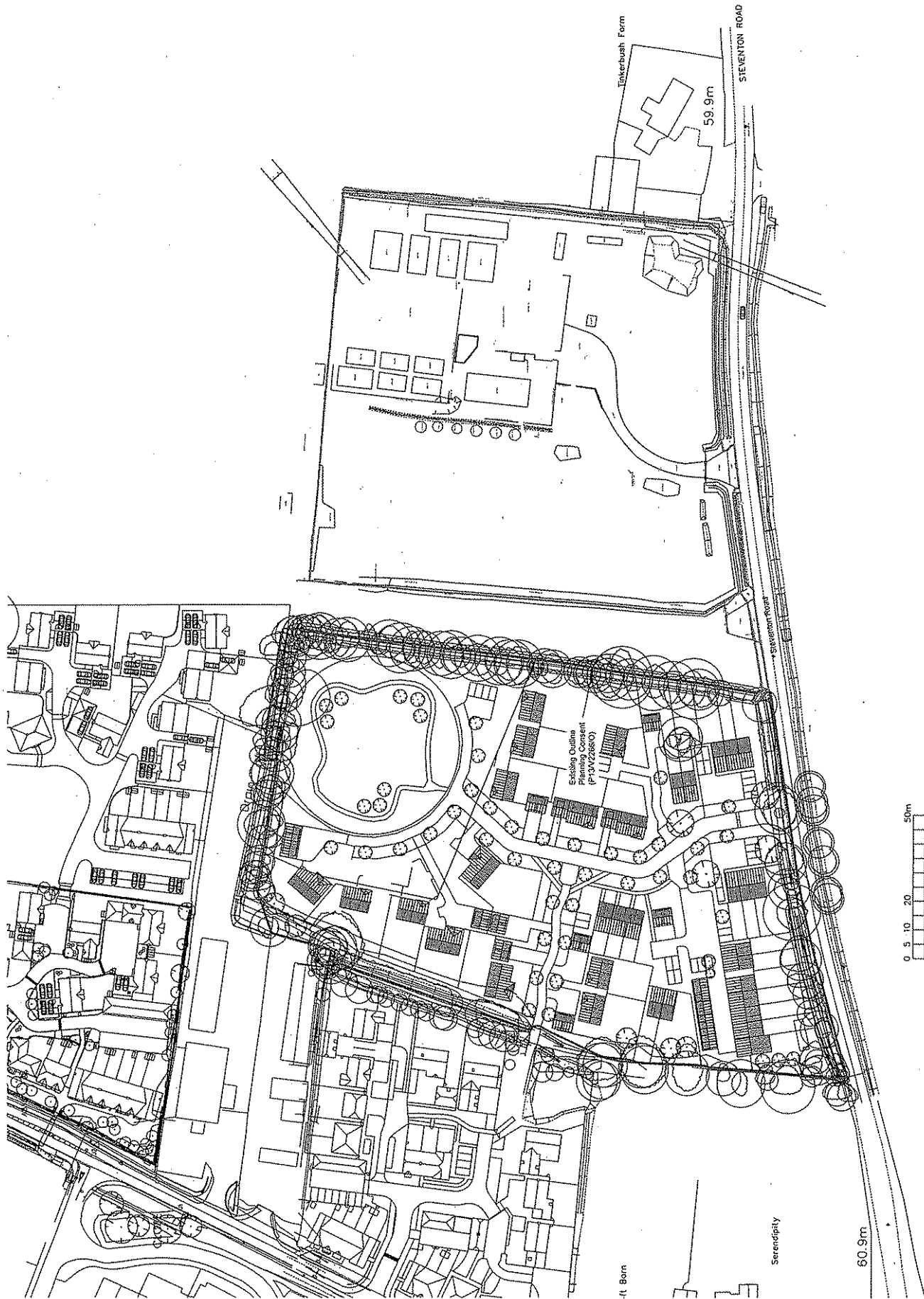
Client  
Greenland Henley Ltd

Project  
Residential Development  
East Hainey

Site  
Existing Site  
Location Plan

Date  
08/05/2014  
Scale  
1:1250 @A3  
Drawing No.  
1503

Rev  
001



GENERAL

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PLANNING

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architecture  
+ planning

100, Westway  
Warrington  
WA3 3JF  
Tel: 01925 832000  
Fax: 01925 832000

Client  
Greenland Henley Ltd

Project  
Residential Development  
East Hanney

This  
Proposed Site  
Plan  
Option 2

Date  
Jan 2014  
Drawn  
DS  
Scale  
1:500 @A1  
Checked  
CJW

Drawn By  
1503 020 B

Hatched area indicates approximate location of underground HV cable easement

Tinkerbush Form

59.9m

STEVENTON ROAD

Proposed Site Plan (1:500)

Existing Access Arrangements (retained):  
Wet weather 85th percentile speed:  
45.5mph Eastbound  
44.8mph Westbound  
Minimum forward visibility: 13.5m (X=2.4m)

Removal of tree T1 and cutting back of Hedge H114 to facilitate new footpath connection into residential consent (see Arboricultural survey provided to 13V/2266(OUT))

New verge footpath space/berm along Highway

Steventon Road

New footpath lined with grass verge along road frontage

Proposed footpath links with existing consent providing pedestrian access to services and amenities within the village (via consented links within 13V/2266(OUT) and 13V/0381(FUL))

Proposed Verge Detail (1:200)



GENERAL  
SHEET NUMBER: 003 OF 003  
DATE: 15/12/2014  
PROJECT: EAST HANNEY  
DRAWN BY: HENRY  
CHECKED BY: HENRY



Proposed footpath route

PLANNING

**BB**  
architecture  
+ planning

100% COMPLETE  
NO. 10000000000  
NO. 10000000000  
NO. 10000000000

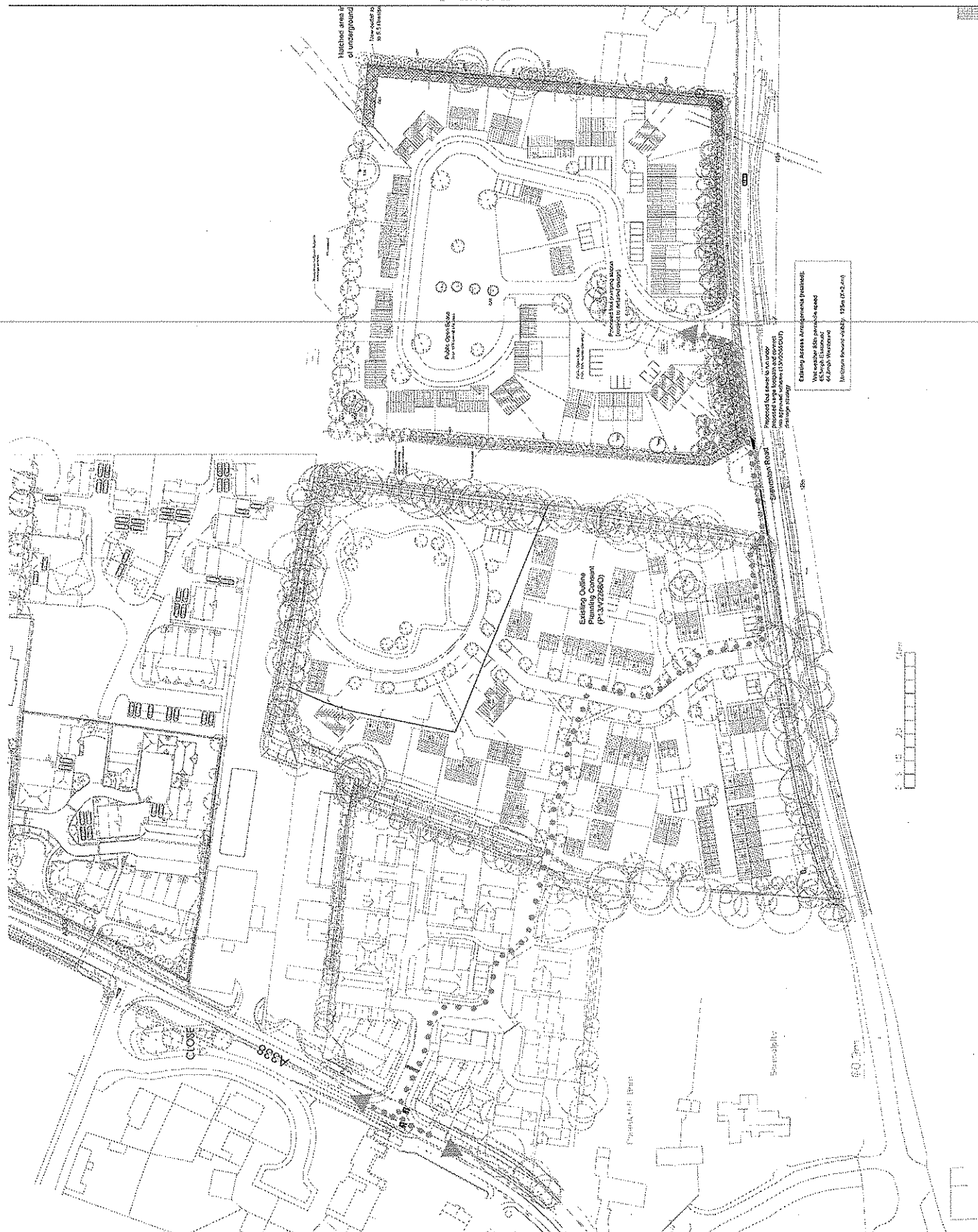
Client  
Greenland Henley Ltd

Project  
Residential Development  
East Hanney

Site  
Connectivity Plan

Scale  
Date  
Sheet

1503 003



Existing Access Arrangements (Systems):  
We consider ASUa provisions to be  
adequate for the proposed development.  
Proposed access (1:100) to the  
development is shown in green.  
Access to the site is via the  
proposed access (1:100) to the  
development.



Hatched area indicates approximate location of underground HV cable easement

New outfall to existing drainage ditch limited to 5.5 litres/second

**Key:**

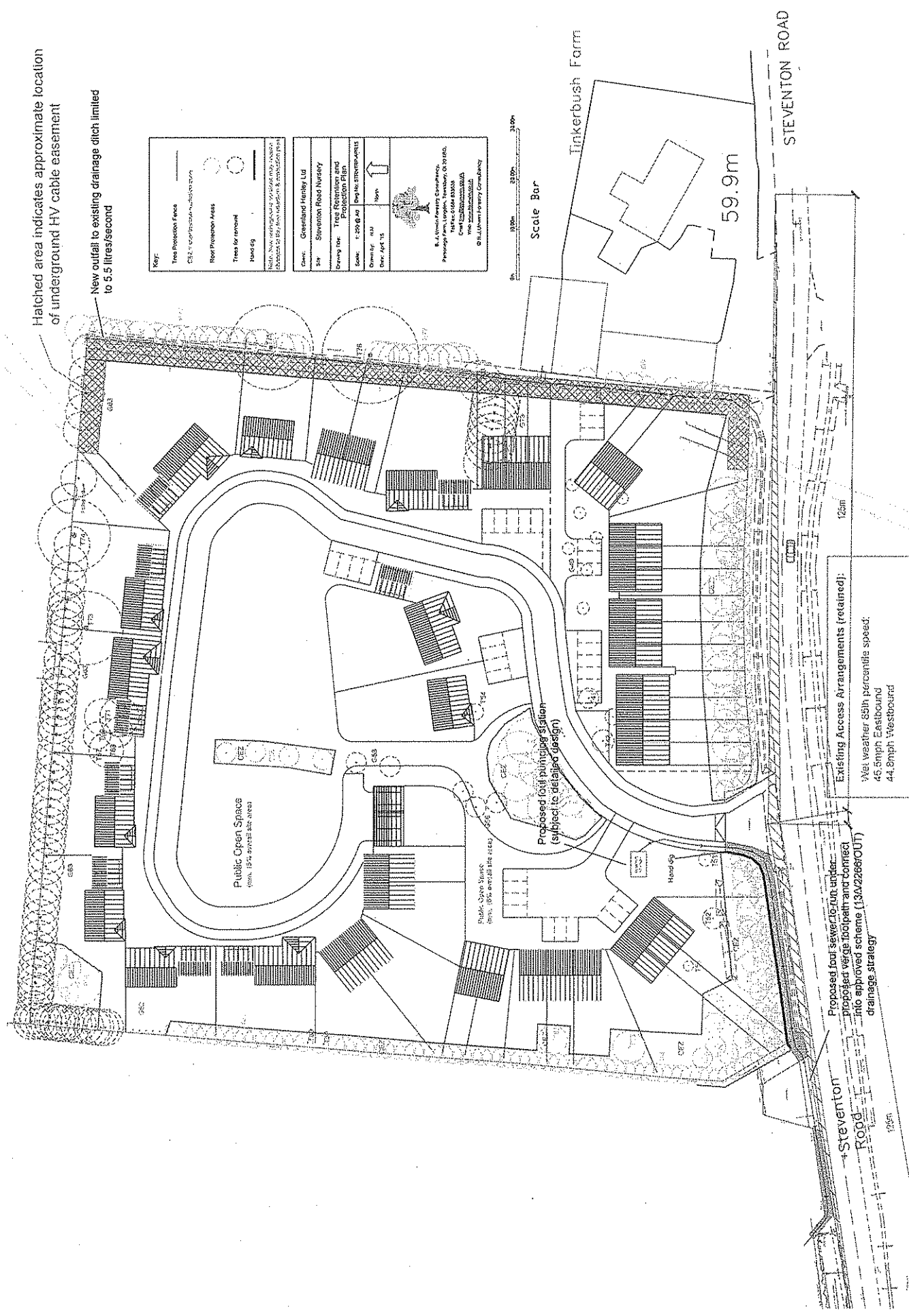
- Tree Protection Fence
- Tree Protection Area
- Trees for removal
- Head dg

NOTE: THIS DEVELOPMENT IS SUBJECT TO THE PROVISION OF A SECTION 106 AGREEMENT WITH THE LOCAL AUTHORITY TO SECURE THE PROTECTION OF TREES AND BIODIVERSITY.

Client	Greenfield Housing Ltd
Site	Steventon Road Nursery
Drawn for	Tree Protection and Protection Plan
Scale	1:500 @ A3
Drawn by	DRG/ML
Date	April '15

Scale Bar: 0m, 10m, 20m, 30m

**B. J. Woods Arborescence Company**  
Professional Arboriculturists  
100, Oldfield Road, Eastleigh, Hampshire, SO50 9JH  
Tel: 01323 812345  
www.bjwoodsarborescence.co.uk



Existing Access Arrangements (retained):  
Wet weather 88th percentile speed:  
45 mph Eastbound  
44 mph Westbound

Proposed four lane dual carriageway under proposed verge footpath and canal into approved scheme (13A/2266/001) drainage strategy

09 JUN 2015

Planning

HEAD OF SERVICE: Adrian Duffield



CONSULTATION WITH EAST HANNEY PARISH COUNCIL

OFFICER: Simon Dunn-Lwin

Planning@whitehorsedc.gov.uk

Tel : 01235 540546

Textphone: 18001 01235 540546

PLEASE RETURN TO VOWH NOT LATER THAN 12 NOON ON 19 MAY 2015

Abbey House Abbey Close Abingdon OX14 3JE

Application Reference: P15/V0898/O (Outline)
Application Type (see definition over): Major
Proposal: Outline application for the erection of up to 40 dwellings, with all matters reserved except access.

Address: Steventon Road Nurseries Steventon Road East Hanney OX12 0HS

EAST HANNEY PARISH COUNCIL:

FULLY SUPPORTS this application for the following reasons [ ]

has NO OBJECTIONS to this application [ ]

has NO OBJECTIONS to this application but wish the following comments to be taken into account : [ ]

OBJECTS to this application for the following reasons : [x]

If you have a current Parish Plan does it support your view on this application?

YES/NO (Please circle)

If so, please give details of the relevant section below:

NEIGHBOURHOOD PLAN IS IN PROGRESS

Signed on behalf of East Hanney Parish Council

June 2015

PLEASE NOTE: We will display your comments on our website under 'consultations' in the specific application. If you have strong views on the application we encourage you to contact your local Ward Member and, if the application is referred to committee, attend the meeting to present your views.



# East Hanney Parish Council

Clerk: Guy Langton



6<sup>th</sup> June 2015

Simon Dunn-Lwin  
Planning Officer  
VWHDC  
Abbey House, Abbey Close  
Abingdon  
OX14 3JE

Re: Application Reference: P15/V0898/O

Application Type: Major Proposal: Outline application for the erection of up to 40 dwellings, with all matters reserved except access.

Address: Steventon Road Nurseries Steventon Road East Hanney

Dear Simon

East Hanney Parish Council strongly objects to the above referenced development and fully expects the District Council will reject the application. The Parish Council wishes the following comments to be taken into consideration.

This is a speculative development that seeks to exploit the hiatus between the District Council's submission of its Local Plan (phase 1 2031), the Inspector's review of this plan and its adoption, thus confirming the land supply. This is contrary to the developer's rationale on page 7 of the Planning and Sustainability Statement.

The District Council has identified a 5 year housing supply, accordingly policy H11 of the Vale of White Horse District Council is applied, limiting all developments within the built up areas of the village to a maximum of 15 dwellings, and that no applications will be permitted outside of the built up area of the village.



Further, this development represents a significant increase in the speculative wind-fall housing that East Hanney has received in the past 3 years, amounting to **152 dwellings prior** to this development. In terms of context, this represents an increase of over 50% of dwellings in just 3 years. This application if approved would be a major development with cumulative adverse and negative impact on the village, its character, and the environment.

There are anomalies in the application. Is the application for a housing development plus a light industrial/business unit or for houses alone? Both are referred to in the application.

The application refers to the site as 'brown field'. This is incorrect as the business is a going concern.

There is no Archeological study accompanying the planning application, yet from the Historic and Environment records a site of Middle Iron Age activity is located very close. A geophysical survey must be conducted before any application is progressed any further part of the application.

The pedestrian and cycle connections referred to in the application lead only to a main A road. There is no crossing in the village, thus they are unsustainable. The distance to the nearest bus stop is noted in the application, the distance to the village school is over 1100m in a straight line. It must also be noted that the school is over-subscribed in 2015-16, the nearest with available places is over 5.5 km, again in a straight line.

The development will undoubtedly increase traffic congestion both on the Steventon road and at the junction with the A338 Main Street, so increasing accident risk. The road traffic data is over 2 years old, thus must be reassessed for current usage. This must be undertaken in school term-time to ensure an accurate result.

The bus timetables referred to in the application are 2 years out of date. The route referred to immediately outside the development is no longer operational.

The flood zone risk was downgraded with no rationale from level 2 to level 1. The report includes only a 'preliminary ecological appraisal', which was undertaken in February. A further ecological appraisal must be undertaken in the summer before this application is considered to ensure a more complete picture is available to the District Council planning department for consideration.

There is no indication of the required improvements to mains or wastewater, though both systems are currently under great strain in the village.



There is no indication in the plan of how the developers would ensure that services required to sustain a development of this size and significance are upgraded.

Sincerely

Guy Langton  
Clerk

On behalf of East Hanney Parish Council

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## Appeal Decision

Hearing held on 16 December 2014

Site visit made on 16 December 2014

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

Decision date: 13 January 2015

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**Appeal Ref: APP/V3120/A/14/2223292**

**Land off Steventon Road, East Hanney OX12 0HS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Greenland Henley Ltd against Vale of White Horse District Council.
  - The application Ref.P13/V2266/O is dated 11 October 2013.
  - The development proposed is described as 'outline application for mixed use development with layout, appearance, landscaping and scale reserved, comprising 2 one-bedroom, 15 two-bedroom, 3 three-bedroom, 15 four- or five-bedroom dwellings (35 total Use Class C3) with commercial building (B1, A2 or D2 use) not exceeding 500 square metres GFA, including new access to Steventon Road'.
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### Preliminary Matters

1. The scheme was amended from that originally promulgated and it is agreed by the main parties that the proposal is 'a residential development of up to 35 dwellings with a new access on to Steventon Road'. Moreover, the originating application was made in outline with all matters, save for access, reserved for future determination. I have proceeded on that overall basis and treated all details on the submitted plans that go beyond access as illustrative.
2. Applications for costs have been made by the appellant against the Council, and vice-versa. These applications are the subject of separate Decisions.

### Decision

3. The appeal is allowed and outline planning permission is granted for a residential development of up to 35 dwellings with a new access on to Steventon Road on Land off Steventon Road, East Hanney OX12 0HS in accordance with the terms of the application, Ref.P13/V2266/O, dated 11 October 2013, subject to the conditions set out in Annex A to this decision.

### Main Issue

4. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites. This means, having regard to paragraph 49 of the Framework<sup>1</sup>, that LP<sup>2</sup> Policies GS1 and GS2, which dictate where the provision of new housing will be considered acceptable, are not up-to-date.

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<sup>1</sup> The National Planning Policy Framework

<sup>2</sup> The Vale of White Horse Local Plan 2011

5. This directs the decision-maker to paragraph 14 of the Framework. The appeal site is not in a location where specific policies in the Framework indicate that development should be restricted.
6. As such, where the development plan is out-of-date, paragraph 14 says that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, considered as a whole.
7. The main issue to be considered, therefore, is whether any adverse impacts of the proposal significantly and demonstrably outweigh any benefits it would bring forward.

### **Reasons**

8. The position of the Council outlined at the Hearing was that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits and, as such, planning permission should be granted for it, subject to conditions and the obligations. Nevertheless, interested persons raised a number of issues that merit consideration.
9. When dealing with the application the Council did have concerns about flooding, as did a number of local residents. However, the EA<sup>3</sup> eventually agreed with the appellant that the appeal site is in Flood Zone 1 and raised no objection. Indeed, the main concern about the appeal site, in these terms, revolves around the propensity of the site to flood as a result of inadequate surface water drainage.
10. However, providing the disposal of surface water, and sewage, is dealt with properly, matters that can be addressed by condition, the provision of housing on the site would not make that situation worse and indeed, is very likely to make it better. The proposal would have no adverse impact in this regard, therefore, and I see no departure from LP Policies DC13 and DC14 that address flood risk and surface water.
11. The Council also raised concern about the impact of the access on the Steventon Road frontage. I accept that the trees and shrubs that form the boundary to Steventon Road are attractive features. The access would result in the loss of a relatively short stretch, including a tree, but as I saw at the site visit the overall impact of the visibility splays on the trees and shrubs would be minimal. There would however be something of an adverse impact as a result of the provision of the access that would add to the overall harmful impact endemic in the provision of housing on what is currently a paddock.
12. This would bring the proposal into conflict with LP Policy NE9 that seeks to protect the landscape characteristics of the Lowland Vale. I accept that paragraph 109 of the Framework tells us that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
13. However, the appeal site is perceived as part of the urban fringe of the settlement rather than part of the wider landscape. As such, the harm caused by the proposal to the character and appearance of the area would be very limited.

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<sup>3</sup> Environment Agency

14. Residents of the dwellings to the west of the appeal site would experience a change in outlook as a result of the proposal. However, the separation distances involved, along with the existing boundary treatments, would be more than sufficient to ensure that the resulting visual impact would have no undue effect on their living conditions. For the same reasons, any noise and disturbance whether during the construction period, or as a result of eventual occupation, would be well within reasonable bounds.
15. On that basis, the proposal complies with LP Policy DC9 that seeks to ensure development will not unacceptably harm the amenity of neighbouring properties and the exhortation in the Framework to always seek to secure a good standard of amenity for all existing occupants of land and buildings.
16. Turning to the benefits, paragraph 47 of the Framework sets out the need to boost significantly the supply of housing. The provision of open-market and affordable housing is obviously beneficial in the light of that but even more so when, as the Council acknowledged here, a five-year supply of deliverable housing sites cannot be demonstrated. There will be economic benefits in the construction and subsequent occupation of the dwellings proposed too.
17. Taking all those points together, the very limited adverse impacts that would flow from the proposal come nowhere near significantly and demonstrably outweighing the benefits it would bring forward. As such, the proposal benefits from the presumption in favour of sustainable development and planning permission should be granted for it.

### **Conditions and the Obligation**

18. I have considered the suggested conditions in the light of advice in paragraph 206 of the Framework, and what remains of Circular 11/95<sup>4</sup>.
19. In terms of the conditions designed to address the submission of reserved matters, I accept that given the prevailing situation in terms of housing supply it would be beneficial if the dwellings came forward sooner rather than later, but implementation is a matter for the appellant and in the light of my conclusions above, see no good reason to depart from the standard timescales.
20. A condition is required to set out the approved plans but this does need to take into account that fact that the application was made in outline with everything but for access reserved for future determination. I have not included those plans that are illustrative only.
21. The trees on the site that are to remain make an important contribution to the character and appearance of the area so it is necessary to apply a condition to address their protection in the course of construction works. Given the importance of the existing natural boundaries, it is also necessary to apply a condition to cover hedgerow management.
22. As set out above, to address any likelihood of flooding, a condition is required to secure details of surface water and foul drainage and to ensure the measures set out in the Flood Risk Assessment are implemented. It is also reasonable to attach a condition to address ecology in the terms set out in the Phase 1 Habitat Survey Report.

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<sup>4</sup> Circular 11/95: *The Use of Conditions in Planning Permissions*

23. Given highway conditions in the vicinity of the site, conditions are necessary to secure a Construction Traffic Management Plan and to ensure that the access proposed is completed, including the provision of visibility splays, before any other development takes place. A condition is also required to ensure that pedestrian and vehicular access to each particular dwelling is complete before it is occupied. That condition renders the suggested condition relating to the provision of footpaths superfluous. I understand that the pedestrian crossing referred to in the suggested condition has already been provided as part of another development. In order to comply with LP Policies H17 and H23, conditions are also necessary to deal with the provision of on-site affordable housing and open space.
24. The appellant has produced two completed obligations. The first, a Unilateral Undertaking dated 16 December 2014 is addressed to the District Council and deals with a series of financial contributions, the second, an Agreement with the County Council dated 7 January 2015, deals with another series of financial contributions, as well as highway matters.
25. I have considered the content of the obligations in the light of advice in paragraph 204 of the Framework, which reflects Regulation 122<sup>5</sup>. This states that a planning obligation may only constitute a reason for granting planning permission if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
26. Like the highway works, some of the financial contributions, in the obligations are intended to mitigate impacts the development would have on local facilities and services and, as such, comply with Regulation 122, and the advice in the Framework. Others, such as the 'Waste Collection Contribution', the 'Police Equipment Contribution', the 'Parish Contribution' and the 'Museum Resource Centre Contribution' are of rather more doubtful provenance, in my view. However, because the obligations contain no mechanism which allows the appellant to avoid the payment of a financial contribution in the event of a finding that the financial contribution at issue does not comply with Regulation 122, there is little to be gained by examining each separate financial contribution forensically. Confirmation at the Hearing that the appellant did not, and would not, seek to avoid any of the financial contributions proffered, underlines that conclusion.
27. It suffices to say that while the highway works and some of the financial contributions offer necessary mitigation (in other words are neither positive nor negative factors), others are obviously not necessary to make the development acceptable in planning terms. As a consequence of that conclusion, none of the provisions in the obligations have influenced the balancing exercise set out in paragraph 17 above.

### **Conclusion**

28. For the reasons given above I conclude that the appeal should be allowed.

**Paul Griffiths**

**INSPECTOR**

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<sup>5</sup> Of the Community Infrastructure Levy Regulations 2010

## **APPEARANCES**

### FOR THE APPELLANT:

Andrew Boughton	BB Architecture and Planning Ltd
RIBA MRTPI	
Daniel Stiff	BB Architecture and Planning Ltd
BA(Hons) M.Arch	
Edward Simons	Appellant
Alan Pontin	Appellant
Carly Tinkler	Carly Tinkler Associates
CMLI	
Ben Pontin	Appellant
Robert Searby	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

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Peter Brampton	Senior Planning Officer (Major Applications)
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### INTERESTED PERSONS:

Hamish Gowen	Local Resident
John Graham	Steventon Road Nurseries
Ian Prosser	Oxfordshire County Council

## **DOCUMENTS**

- 1 Extract from Manual for Streets 2
- 2 Sketches showing extent of tree and shrub removal around access
- 3 Additional copy of objection letter dated 23/01/14 put in by Mr Gowen
- 4 S.106 Compliance Table
- 5 Identification Plan
- 6 VoWHDC Leisure and Sports Facilities Strategy 2012-2029
- 7 VoWHDC SPG: Planning and Public Art
- 8 VoWHDC SPD: Open Space, Sport and Recreation Future Provision
- 9 Completed Unilateral Undertaking to VoWHDC dated 16 December 2014
- 10 Draft Agreement with OCC
- 11 Completed Agreement with OCC dated 7 January 2014

## **PLANS**

- |   |  |
|---|--|
| A | 1316/001B: Site Location Plan                          |
| B | 1316/002C: Block Plan                                  |
| C | P924/101A: Proposed Access Arrangements and Visibility |
| D | P924/102A: Proposed Access Arrangements and Visibility |

### **Annex A: Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1316/001B: Site Location Plan; 1316/002C: Block Plan; P924/101A: Proposed Access Arrangements and Visibility; and P924/102A: Proposed Access Arrangements and Visibility.
- 5) No development shall take place until an arboricultural method statement, giving details of the protection of trees and hedgerows during the construction period, has been submitted to and approved in writing by the local planning authority. The arboricultural method statement shall include details of: (a) protective fencing and/or ground protection measures; (b) a programme for their implementation; and (c) any works required to trees and/or hedgerows to prevent accidental damage by construction vehicles. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a scheme of hedgerow management has been submitted to and approved in writing by the local planning authority. The hedgerow management scheme shall be implemented in accordance with the approved details.
- 7) No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details before the occupation of any of the dwellings approved herein.
- 8) The development shall be implemented in accordance with all proposed measures contained within the Flood Risk Assessment that accompanied the application.
- 9) The development permitted herein shall be carried out in accordance with the recommendations contained in Chapter 6 of the Phase 1 Habitat Survey Report produced by Focus Ecology.
- 10) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall be adhered to for the duration of construction period.
- 11) No other development shall take place until the vehicular access to the site, and the visibility splays serving it, have been formed in accordance with the approved plans. The access and visibility splays shall be retained in their approved form thereafter.

- 12) No dwelling shall be occupied until the pedestrian and vehicular accesses, and parking and manoeuvring areas serving it have been completed. The parking and manoeuvring areas shall be retained for their intended purposes thereafter.
- 13) No development shall take place until a Green Travel Plan (GTP) has been submitted to and approved in writing by the local planning authority. The GTP shall be implemented in accordance with the approved details.
- 14) No development shall take place until a scheme for the provision of affordable housing, on-site, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved details. The scheme shall include: (a) the number, type and location on the site of the affordable housing units which shall amount to 40% of the units in the total development; (b) the form of tenure by which each unit will be occupied; (c) the timing of the construction and occupation of the affordable housing and its phasing in relation to the construction and occupation of the open-market housing; (d) the arrangements for the transfer of the affordable housing to an affordable housing provider for the management of the affordable housing if no Registered Housing Provider is involved; (e) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (f) the occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria will be enforced.
- 15) Before any of the dwellings are occupied, a scheme for the provision, management, and maintenance of open space, on-site, including an implementation programme, shall be submitted to and approved in writing by the local planning authority. The open space shall be provided, managed, and maintained, in accordance with the approved details.





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## Costs Decision

Hearing held on 16 December 2014

Site visit made on 16 December 2014

by **Paul Griffiths BSc(Hons) BArch IHBC**

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

Decision date: 13 January 2015

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### **Costs application in relation to Appeal Ref: APP/V3120/A/14/2223292 Land off Steventon Road, East Hanney OX12 0HS**

- 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 Greenland Henley Ltd for a full award of costs against Vale of White Horse District Council.
  - The hearing was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for a residential development of up to 35 dwellings with a new access on to Steventon Road.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **The Submissions for the Appellant**

2. These were made in writing, in advance of the Hearing.

### **The Response by the Council**

3. This was made in writing, in advance of the Hearing.

### **Reasons**

4. As set out in paragraph 030<sup>1</sup> of the PPG<sup>2</sup>, 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.
5. Paragraph 048 of the PPG<sup>3</sup> sets out that in any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit and why permission would not have been granted had the application been determined within the relevant period. Moreover, if such an appeal is allowed, the local planning authority may be at risk of an award of costs if the Inspector concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to have been avoided altogether. Such a decision would take into account any unreasonable behaviour on the part of the appellant in causing or adding to the delay.

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<sup>1</sup> Reference ID: 16-030-20140306

<sup>2</sup> Planning Practice Guidance

<sup>3</sup> Reference ID: 16-048-20140306

6. On top of that, paragraph 049 of the PPG<sup>4</sup> says that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example by unreasonably refusing, or failing to determine, planning applications.
7. Examples of such unreasonable behaviour include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy, and any other material considerations; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
8. In dealing with the originating application, the Council acknowledged that it could not demonstrate a five-year supply of deliverable housing sites. In that light, bearing in mind the operation of the Framework<sup>5</sup>, which I have set out in my parallel decision on the appeal, it was incumbent upon the Council to ask itself the question whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
9. It is not clear to me that, having identified a range of what it termed 'adverse impacts', the Council ever considered whether those were sufficient to significantly and demonstrably outweigh the benefits of the proposal, in the manner required by paragraph 14 of the Framework. What the Council appears to have done is consider the adverse impacts in isolation, as reasons why planning permission should not be granted. Given the manner in which the Framework operates, that constitutes unreasonable behaviour.
10. In any event, the adverse impacts identified have no firm foundation. Initial concerns about flooding and surface water drainage disappeared when the EA agreed with the appellant that the appeal site is in Flood Zone 1. Criticisms of the layout and design of the proposal are baseless given that the originating application was made in outline with appearance, landscaping, layout and scale reserved for future determination.
11. The issue raised about the access, and its impact on the trees and shrubs that make up the site frontage on to Steventon Road is questionable too. The Council says that it was able to drop its objection on the basis of the information contained on drawing; P924/102A: Proposed Access Arrangements and Visibility, submitted as part of the appeal process. However, the information on that drawing is nothing new; it is merely an enlargement of drawing P924/101A: Proposed Access Arrangements and Visibility which was submitted with the application. Moreover, it ought to have been clear from an inspection of the site that the visibility splays associated with the proposed access would require no extensive clearance of the existing natural boundary. The objection the Council persisted with was vague and inaccurate, therefore.
12. Bringing those points together, there is no good reason why the Council could not have granted planning permission for the proposal, and the appellant has been put to the expense of an appeal that should not have been needed.
13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated, and that a full award of costs is justified.

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<sup>4</sup> Reference ID: 16-049-20140306

<sup>5</sup> The National Planning Policy Framework and paragraph 14 in particular

**Costs Order**

14. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Vale of White Horse District Council shall pay to Greenland Henley Ltd, the costs of the appeal proceedings described in the heading of this decision.
15. The applicant is now invited to submit to Vale of White Horse District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

**Paul Griffiths**

**INSPECTOR**

