

16<sup>th</sup> August 2021

Planning Inspectorate  
*Sent via Email*

Regent House  
65 Rodney Road  
Cheltenham  
GL50 1HX

01242 230066  
[www.ridge.co.uk](http://www.ridge.co.uk)

Dear Sirs,

## Appeal Reference: APP/C3105/W/20/3264358 – Response to Cherwell District Council’s Cost Application Correspondence

This letter has been prepared in response to the Council’s Statement of Case that was submitted to the Planning Inspectorate on 11<sup>th</sup> August 2021.

The Appellant does not intend to repeat or duplicate the arguments that are included within the Appellant’s Statement of Case or introduce new material or put forward arguments. Instead, this letter focusses on responding to and clarifying the key issues that arise from the Council’s response to the Appellant’s costs application.

The PPG advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes clear that a local planning authority is required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour for both.

The allegations of unreasonable behaviour and the thrust of the Applicant’s case is focussed on the Council failing to assess the prior approval application against materials considerations presented including case law, previous planning appeals and the PPG, failed to take into account evidence provided by the applicant, failed to acknowledge the errors in the decision-making process, failed to address evidence raised throughout the appeal, failed to apply the relevant criteria under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (hereafter referred to as ‘Class Q’ and ‘GPDO’).

Particularly, the Council’s failing to consider the Covering Letter, at any point, is a clear demonstration of the above and ultimately demonstrates a lack of consideration of evidence. Strictly, it is felt that the Council have not assessed the material considerations throughout the applications timeline.

The PPG also makes it clear that although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of an application can be taken into account in the Inspector’s consideration of whether or not costs should be awarded.

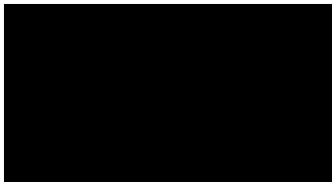
Information submitted to the Council at either the application or appeal stage appear not to have been acknowledged, only reiteration in how they were not in receipt of certain information at the time of the decision. There is no demonstration in the response to the statement of case, or any indication how this ‘new’ information has been considered. This in itself is also considered to be unreasonable by the Appellant.

This is also demonstrated in Appendix 1 where the Agent at the time reminded the Council what the application was for. The response was issued 7 days later outlining the incorrect criteria and only allowing 24 hours for the Appellant to decide on whether to withdraw the appeal. Contents of the email were clearly ignored. Evidently there was an unwillingness to discuss certain elements of the case officer's response following the site visit.

The assumption that a material change of use has occurred due to the storage of a single vehicle is felt unreasonable. Whilst this is matter of planning judgement, the evidence has clearly been ignored within the Appellant's Statement of Case and other evidence presented throughout the appeal. It remains unclear how the Council have considered the evidence.

Consequently, that taking into account all of the above, the Appellant maintains their view that the Council has behaved unreasonably in these respects. The work and the associated expense that the Appellant has undertaken in defending the aspect of his case in relation to whether the building could be defined as an agricultural building is considered unnecessary.

Yours sincerely



Grant Baylis MSc (Hons)  
Planner  
For Ridge and Partners LLP

# APPENDIX 1

## EMAIL CORRESPONDENCE

## Grant Baylis

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**From:** George Smith <George.Smith@Cherwell-DC.gov.uk>  
**Sent:** 08 September 2020 16:40  
**To:** Alena Dollimore  
**Subject:** RE: 5011954 - Crockwell House Farm - Planning

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Alena

Further to our earlier discussion, I have made a visit to the site.

Based on my observations and of the information contained within the application, we are of the view that the prior approval application put forward should not be approved.

This is on the basis that it would not satisfy with paragraph Q.1 (i) of Class Q, being that works required appear to be so extensive as to constitute significant amounts of rebuilding. The lack of elevations submitted do not allow us to make a full assessment of what works are required to an extent that is reasonably necessary to carry out building operations. The structural report appears to only account for the building in its current condition and does not appear to take into account any demolition works proposed. Furthermore, a determination is required as to the design and external appearance of the building under Q.2 (f). It is clear that changes need to be made to the external appearance of the building i.e. with the demolition, at least one full wall would be left open-sided, with other elements also being open currently. Therefore, this criterion is not satisfied.

I would also question whether the building is solely used for the purposes of agriculture. There was a non-agricultural vehicle being stored within the building and other paraphernalia associated with vehicle restoration.

There are no changes which can be made to this current application which would deem the proposal acceptable. I will therefore be proceeding to recommend a refusal of the prior approval application. If you did wish to withdraw the current application, please advise on this by the end of tomorrow (9<sup>th</sup> September).

Kind Regards,  
George

**George Smith MSc**  
**Senior Planning Officer**  
Development Management  
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Cherwell District Council  
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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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**From:** Alena Dollimore <ADollimore@ridge.co.uk>  
**Sent:** 01 September 2020 11:41  
**To:** George Smith <George.Smith@Cherwell-DC.gov.uk>  
**Subject:** 5011954 - Crockwell House Farm - Planning  
**Importance:** High

Dear Mr Smith,

I am writing to you to respond to comments made by the Bourtons Parish Council in respect of our prior approval application LPA Ref.: 20/01902/Q56 for a change of use from agricultural to a single residential dwelling.

Firstly, I would like to thank the Parish Council for their consideration and their continuous support of our applications.

It is understood that the Parish Council is concerned with the quality of design and that they are keen to comment on it. It is indeed the applicant's intension to provide a high quality development which will enhance the site as a whole, as well as the building in question.

However, this application is only concerned with the change of use only under the provision of Schedule 2, Part 3, Class Q a) only.

If the prior notification is given, and the residential use established, the applicant will then proceed with the further application which will provide details of design, internal layouts, and materials. The Parish Council will therefore have an opportunity to be fully consulted on these issues.

To conclude, concerns the Parish Council have raised can be addressed through a subsequent application.

In the meantime, please do not hesitate to contact me if you have any questions or queries.

Kind Regards

Alena Dollimore BA (Hons) MSc MRTPI  
Planner  
For Ridge and Partners LLP

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