



Appeal Decision

Site visit made on 29 October 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Appeal Ref: APP/P2935/W/25/3362679

Land North of Hartford Court, Cramlington, Northumberland

Easting: 426943 Northing: 577114

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Hedley (AWH Homes) against the decision of Northumberland County Council.
 - The application Ref is 24/03277/OUT.
 - The development proposed is proposed erection of a new over-55s apartments with associated access and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for a full award of costs was made by Mr G Hedley (AWH Homes) against Northumberland Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The development address set out in the banner heading above is an amalgamation of the details set out on the initial planning application and the grid reference taken from the appeal submissions of both main parties. I am satisfied that no prejudice to either of the main parties would arise as a consequence.
4. The application was submitted with access being a reserved matter for which approval is sought at the outline stage. Thus, matters relating to the appearance, landscaping, layout and scale of the proposed development are reserved for future consideration. A number of plans were submitted with the application for outline planning permission, including a site location plan showing a redrawn and extended site boundary, the location of the proposed access and a site layout plan. Given the outline nature of the application I have treated the submitted plans as indicative in their content, with the exception of the access details shown thereon, which is a matter to be considered at this outline stage.
5. Three of the seven reasons for refusal are prefaced with '*In the absence of a completed planning obligation securing.....*'. The appellant's appeal submissions refer to the preparation of a unilateral undertaking 'to follow'¹ and I return to this matter in respect of each of the main issues to which a planning obligation / unilateral undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) would apply, below.
6. Both parties make reference to, and draw on the conclusions from, the appellant's 'Open Space Assessment'². Whilst I have not been provided directly with a copy of

¹ Table at paragraph 2.6 of 'Planning Appeal Statement of Case' (March 2025) – Origin Planning Services

² Origin Planning Services (undated)

the OSA it is publicly available to view on the Council's website. I have taken its content into consideration in my determination of this appeal and I am satisfied that neither main party would be prejudiced in doing so.

7. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

8. The main issues are:

- The effects of the proposed development upon the character and appearance of the appeal site and the surrounding area, and the provision of open space;
- Whether or not the proposed development would make appropriate provision for affordable housing; and
- The effects of the proposed development upon the living conditions of existing neighbours and future residents, with particular regard to outlook.

Reasons

Character and appearance and open space

9. Cramlington derives much of its current form and character from its 'new town' roots and principles established during the 1960s. Cramlington is characterised by having extensive areas of open space throughout, whether within the residential areas, streets and culs-de-sac, or alongside the network of roads within and linking the residential estates. The main distributor roads, particularly the long stretch of Northumberland Road, have a particularly spacious feel to them and the appeal site and the particular approaches to the site along Northumbrian Road and Cumbrian Road are typical of this prevailing character and appearance.
10. The appeal site forms a contiguous part of a longer stretch of grassed and landscaped open space alongside both Northumbrian and Cumbrian Roads. To Cumbrian Road, the site is set back behind a grassed swale as part of a larger grassed verge. The site itself comprises a mix of longer (as opposed to more closely mown) grass with a mix of tree and shrub planting. Taking these areas together, the site is very much part of the wider layout and character typical of Cramlington's main distributor roads and is a significant contributor to the prevailing spacious setting and layout.
11. Although the proposed development's layout, appearance and scale are all reserved matters, the application and accompanying (indicative) plans indicate development over three storeys in height. It is also indicated that the building's footprint could also be canted so it would turn the corner of the roundabout junction between Northumbrian and Cumbrian Roads, thereby addressing each.
12. At its southern-most point it would be reasonably close to the existing Hartford Court building and would thus be seen in reasonably close quarters with it. However, with car parking being providing between the proposed building and the

existing building, behind, the proposal indicates that a building of the scale proposed could have a significant, prominent and intrusive presence within the existing grassed swathe and be a significant visual and physical incursion into that swathe of open land.

13. Whilst the existing roadside bund would provide some lower-level screening and visual mitigation of ground floor elements of a building, its overall effects upon it as a whole would be rather more limited. Furthermore, the proposal's indicated siting would also result in the loss of areas of tree and shrub planting; planting that provides a visual and contextual link to trees and shrubs within the generous roadside verges, open space and within the roundabout itself as well as contributing positively to local character and appearance in its own right.
14. Not only therefore would the indicative proposal result in a building significantly more prominently and intrusively sited than the existing Hartford Court building, it would also result in the loss of open space and greenery that are key contributors to the prevailing character and appearance of the site and its immediate surrounds. Such areas of grassed open space and extensive roadside verge are also typical of many of the main distributor roads and roadsides throughout Cramlington. Whilst the proposal indicates that the building itself would not impinge upon the broad swathe of land alongside Northumbrian Road to the east, or into the grassed bund to Cumbrian Road, it would nevertheless have a dominant presence in respect of both.
15. The appellant seeks to justify the principle of the proposed building on the basis of the presence of the existing building; that it would be inconsistent to argue that it would be out of character given the large building already in-situ on the adjoining plot of land. The existing Hartford Court building is however something of an outlier in the local context – it is comfortably larger than the adjacent retail store. Nor does it bear comparison to the scale or character of the modest residential developments that make up much of the surrounding area.
16. Furthermore, the appeal site's location and the indicated site layout would place a building more prominently and intrusively into the extensive open grassed areas through which the settlement's main roads run, and from which it gains considerable character from. The appellant has also sought to draw comparison with other areas in Cramlington, including the residential areas that back on to Northumbrian Road and Cumbrian Road, and also to the open green swathe on the eastern 'spur' of the roundabout, all close to the appeal site. There may be examples around this junction, and indeed elsewhere within Cramlington, where the open grassed verges and areas are smaller, and development is closer to the road network than would result from the indicative, proposed layout. However, the nature and context of the surrounding area's development is not comparable to the appeal scheme. At this stage, the outline submission indicates a building of 3-storeys in scale, rather than the consistent and established scale and layout of predominantly two storey dwellings. Whilst this may change should the application reach reserved matters stage, the relationship between the appeal site to the surrounding areas of open space is nevertheless such that a building of sufficient footprint area, and likely to be up to two or three storeys in scale, would be an intrusive incursion into the prevailing pattern of open space.
17. Whilst I have no doubt that a building could incorporate high-quality materials and thoughtful landscaping, I am not persuaded that the former would ameliorate the

intrusive indicative scale and positioning of the building within a site that is as prominent and open within its immediate context as the appeal site is. Nor would the benefits of the latter be particularly felt in the short term, whilst the indicative layout and positioning of the building within the site would limit the extent to which thoughtful landscaping could, over time, mitigate the intrusive nature of the proposed building within the immediate surroundings.

18. The appellant has acknowledged the previous Inspector's conclusion that the appeal site is consistent with the prevailing character and appearance of the surrounding area and that it contributes positively to it. I agree. I am also invited to consider the appeal scheme on its merits and that it is materially different in scale and form from the previous appeal scheme, presumably as a means to deviate from the previous Inspector's conclusions. Although I have not been presented with the detail of that scheme, from the development description³ of that scheme the differing nature of the two schemes is clearly appreciable. Indeed, based on the descriptions of the two schemes, the potential difference in, particularly, the scale of the proposal can be understood despite the outline nature of the current appeal proposal. The proposal before me would therefore be likely to have a very different relationship with the open space than the previous appeal scheme and I have, therefore, considered the matter before me on its own merits.
19. A small part of the site, a narrow strip at its eastern edge that links up with the pavement network, is part of an area formally designated as protected open space in the NLP. It is, to all intents and purposes, visually, functionally and physically indistinct from the rest of the appeal site. NLP Policy INF5 sets out the Council's approach to open spaces, as well as facilities for sports and recreation. It states that the loss of defined open spaces will not be supported unless that land is surplus to requirements, would be replaced by equivalent or better provision in a suitable location or the development is for alternative sports or recreation provision. This policy approach also applies to other existing open space even if not specifically or formally designated as such. Thus, the provisions of NLP Policy INF5 apply not just to the smaller strip of defined open space, but also to the remaining main body of the site.
20. The Council do not actively dispute the appellant's conclusions regarding open space provision that the level of such provision across the southeast of the county is slightly above that of the county as a whole⁴. That is not to say however that it has been adequately demonstrated that the area of land is surplus to requirements – the absence of a local shortfall is not demonstration of being surplus to requirements. It is not explained how only a slightly above-average provision makes the appeal site surplus to requirements.
21. Whilst the appeal site's extent may only amount to a small proportion of overall open space provision, whether as the county as a whole, the south east of the county, or even just in terms of Cramlington, it contributes significantly to the character and appearance of the local area, and is a distinctive feature of Cramlington's layout and its character and appearance. I accept that given the site's nature and levels it fulfils no sporting purpose. Nor, given the layout of the road and pavement network around the roundabout junction, does it fulfil any particular function for public access or movement around the junction. It is,

³ 'Construction of 8no. bungalows with associated access, parking and landscaping' – APP/P2935/W/23/3323075

⁴ Quoted as hectares per 1000 population

however, accessible on foot and whilst perhaps not used widely as part of the movement network, it could be and has value in addition to its visual and amenity merits.

22. The appeal scheme's indicative layout was amended to include scope for a footpath connection from the crossing and underpass on Northumbrian Way into the southeastern corner of the site. This would, in turn, link up with the pavement link to the retail store to the west of the site. The proposal would therefore provide a small benefit in terms of pedestrian connectivity in providing a different route from which to access to the store, albeit that I saw no particular evidence of desire lines in this area during my visit to the site. The weight in support of the appeal scheme is limited as a consequence.
23. It has not been satisfactorily demonstrated that the open space is no longer needed to meet the community's needs, and the pleasant character and appearance of the appeal site and the surrounding area contributes to the community's experience of the site and surrounding area, and the wider character and appearance of Cramlington. These are positive factors arising from the character, appearance and function of the appeal site.
24. Northumberland Local Plan (NLP) Policies QOP1 and HOU9 and Cramlington Neighbourhood Plan (CNP) Policies CNP3 and CNP8 collectively seek to secure high quality residential developments which should make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features. They go on to state that schemes should create or contribute to a strong sense of place that respect and add to the qualities of suburban townscapes by reflecting prevailing character, layout and pattern of development. These are all factors that, for the reasons I have set out above, the appeal scheme would fail to achieve and, as such, it is contrary to NLP Policies QOP1, HOU9 and CNP Policies CNP3 and CNP8.
25. Nor has it been adequately demonstrated that the area of open space, both that defined as open space in the NLP and the remainder of the site which would fall within NLP Policy INF5's wider description of 'other existing open space', would be surplus to requirements. The proposal could, subject to the reserved matter of landscaping, provide a landscaped setting within which the building would lie. However, the indicative plans indicate that these areas would be 'communal gardens' which implies private facilities for occupiers of the proposal, rather than wider public and publicly accessible open space.

Affordable housing

26. The Council accept that housing completions and outstanding permissions for the plan-period are such that there is no over-riding need for further residential development to meeting local or county-wide housing requirements. I have no evidence before me to lead me to reach a different conclusion. Nevertheless, Framework sets out the government's approach to significantly boosting the supply of home, recognising the importance of differing sizes, types and tenures of housing and housing needed for different groups in the community including older people with varying levels of accommodation and care needs.
27. Whilst the Framework provided some limits upon the requirements for major housing developments to provide affordable housing at the time of the application's submission, the December 2024 revisions to the Framework removed these

specific references⁵. Thus, the changes set out in the December 2024 iteration of the Framework (the current iteration) were, at the time of the Council's determination of the application, a more current material consideration than those of a previous version of the Framework.

28. It has not been demonstrated that the provision of affordable housing – in this instance, 10% rounded up to 4 units – would prejudice the delivery of housing for older people. The appellant has stated a willingness in appeal submissions to make appropriate provision for affordable housing through a Section 106 agreement. However, no such agreement has been provided, despite the lengthy appeal timescales in this instance. Nor should the need for one, once the Framework had been revised, have come as a surprise to the appellant prior to determination of the application, as NLP Policy HOU6 makes specific provision for securing affordable housing through such measures.
29. Thus, in the absence of a completed legal agreement under section 106 of the Act or any justification to demonstrate that the provision of affordable housing would jeopardise the delivery of housing for older people, the proposal fails to provide affordable housing in line with the provisions and aims of NLP Policy HOU6. Nor would the proposal be consistent with the aims and provisions of the Framework in terms of making appropriate provision for housing for a specific group in the community, in this instance older people, and providing sufficient affordable housing. Whilst I can understand the appellant's initial approach to the matter of affordable housing provision, the courts have confirmed that decisions on planning appeals should be made on the basis of the development plan and national policy as it exists at the time of the decision.

Living conditions

30. The existing building at Hartford Court provides accommodation across two and three storeys due to its split-level form and the prevailing slope of the ground. There are a number of windows on the various elevations and returns on the northern side of the building that provide an outlook across the appeal site.
31. All matters relating to the proposed building are reserved for future consideration. This means that the layout shown on the submitted plans and the indications of the scale and layout of the building, are all indicative. Thus, whilst the submitted plans therefore show the proposed building to be canted – its main elevation would run approximately east to west, with an element of turned towards the southeast – these are purely indicative.
32. On the basis therefore, it may well be the case that the proximity of the southeast 'wing' could be sufficiently close to some windows on the existing building so as to impinge harmfully upon the outlook from those windows. Whilst I do not have information before me as to the nature of the use of the rooms served by those windows, it is likely given the nature of occupation and use of that building that outlook from windows is an important element of the accommodation that it offers. It was also noted during my visit to the site that, because of the prevailing slope on the land, that there is a third storey at Hartford Court towards its eastern end, from where the suggested position and scale of the proposed building may also be keenly felt in terms of both outlook as well as its physical presence and whether it

⁵ Revisions to Framework paragraph 66

may be felt to be overbearing from particular vantage points within the existing Hartford Court building and site.

33. However, the purpose of indicative plans such as those submitted are to demonstrate how a development of the scale and nature described could be provided within the site. It does not follow that that would be how a proposal would ultimately be built out. The indicative plans do not, nor would they be expected to, indicate the treatment of ground levels and thus the overall scale of the building relative to Hartford Court. However, given the elements of the proposal that remain as reserved matters and the nature and extent of the appeal site, I am not persuaded that the appeal site would be incapable of accommodating development of the nature, scale and type proposed. The site is sufficiently generous, with the available parameters reserved for future consideration, that it has not been demonstrated that matters of outlook and the living conditions of occupiers of existing neighbouring properties, and future occupiers of the proposed building could not be acceptably accommodated within the site and scheme.
34. For the reasons set out therefore, it has not been convincingly demonstrated that the proposal could not provide a high standard of amenity for occupiers of existing neighbouring buildings, or future occupiers of the proposed building, given that matters such as appearance, layout and scale are reserved for future consideration. On the matters before me for determination at the outline stage, there would be no conflict with the aims or objectives of NLP Policy QOP2 or CNP Policy CNP1(h). These aims and provisions are also consistent with those of the Framework at paragraph 135(f).

Other Matters

35. The appeal site lies within the coastal zone of influence of the Northumberland Coast Special Protection Area (SPA) and the Northumberland Shore Site of Special Scientific Interest (SSSI), for which a Coastal Mitigation Strategy (CMS) exists. The purpose of the CMS is to ensure that potential effects of increased recreational pressure and disturbance on bird species and populations within these areas is mitigated through a developer-funded warden scheme. Such an approach is consistent with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) and the Wildlife and Countryside Act.
36. It is accepted by the appellant that a financial contribution towards the CMS and its aims is necessary with regard to mitigation of the potential for increased residential recreational pressure SPA and the SSSI arising from the appeal scheme. To this end, it was stated that the appellant had 'always been willing to provide the necessary financial contribution' but had not been given the opportunity to do so. The means by which such contributions are typically secured is also understood by the appellant.
37. No such mechanism was in place at the time of the Council's determination of the application, however. Nor, despite clear statements within the appellant's *'Planning Appeal Statement of Case'*, has one been provided during the subsequent appeal process. Negotiations pursuant to agreement and completion of an agreement under section 106 of the Act were not undertaken by the Council at the application stage since its recommendation (and subsequent decision) was one of refusal. It follows in the interests of completeness that the absence of such formed a reason

for refusal, albeit one that can, and often is, 'negotiated away' before and during the appeal process.

38. Despite the lengthy timescales involved in the subsequent appeal process, in which sufficient time has passed during which either a bi-lateral or unilateral undertaking or agreement could have been finalised to secure the relevant and necessary contributions, it remains the case that no such mechanism is before me. As a competent authority with regard to the requirements of the Conservation of Habitats and Species Regulations, had the appeal been successful it would have been necessary for me to make an appropriate assessment and consider the matter of the contribution. However, for the reasons set out, and as I am not minded to allow the appeal on other grounds, there is no need for me to consider these matters further.
39. The appeal scheme was refused by the Council for several reasons, including three reasons directly related to the absence of a completed planning obligation secured under section 106 of the Act. Additionally, a fourth refusal reason related to a failure to make provision for affordable housing, which NLP Policy HOU6 explains will be secured by way of such an agreement. In respect of three of the reasons, it was stated that the planning obligation would secure financial contributions towards coastal mitigation measures, healthcare provision and off-site parks and gardens. Affordable housing, whether on-site or financial contributions towards off-site provision would also be secured by a planning obligation.
40. I note both the stated intent of the appellant to prepare a planning obligation and a willingness on the part of the Council to accept that a completed obligation could be sufficient to address the refusal reasons numbered 4, 5 and 6. Despite this however, I have no completed planning obligation before me, whether in unilateral, bilateral or multilateral form, and no other mechanism to appropriately secure such contributions and provisions. As I have found harm in respect of the main issues however, I have not considered these matters further other than as set out in the main issues, above.
41. The proposal would contribute towards boosting housing supply within Cramlington and across the county, albeit within a context of sufficient housing supply to meet minimum housing requirements that is not challenged by the appellant. Nevertheless, in line with the Government's stated objective of significantly boosting the supply of homes, this carries moderate weight in support of the appeal scheme. So too, the proposal's provisions of different groups in society, in this instance housing for over-55 year-olds. The Council acknowledges that the indicated mix of 1- and 2-bedroomed units would provide a housing mix in line with identified needs for smaller units. This too, carries moderate weight in support of the proposal.
42. The detailed matter for which approval is sought at this stage, access; was not a reason for refusal. Access to the site would be taken from the existing entrance to the adjacent residential care home. Subject to conditions regarding construction management, car parking and turning area details, pedestrian and cycle connection to existing network and cycle parking and mobility scooter storage, there were no objections to the proposal on highways or access grounds. I have not been presented with any compelling evidence that would lead me to conclude otherwise.

43. Nor were matters relating to land and ground contamination, effects of noise on living conditions or water management reasons for refusal. The absence of harm in these respects are neutral matters and weigh neither in support of, nor against, the appeal scheme.

Conclusion

44. Framework paragraph 11 sets out a presumption in favour of sustainable development. Paragraphs 11(c) and 11(d) state that in relation to decision-taking, this means either approving development proposals without delay that accord with an up-to-date development plan, or where there are no relevant development plan policies or those which are most important for determining the application are out-of-date, granting permission. Sub-paragraphs (i) and (ii) set out exceptions to this presumption.
45. The provision of additional housing, and age specific housing, would not be contrary to development plan policy and would contribute towards meeting identified needs. It would also contribute towards the broad aim expressed in the Framework of significantly boosting the supply of homes including with an appropriate mix of housing types for the local community. However, it has not been demonstrated that the site could accommodate a proposal of the scale or layout indicated, without causing harm to the character and appearance of the appeal site and the surrounding area. Nor has it been adequately demonstrated that the areas of open space, whether formally designated as such or not, are surplus to requirements rather than just being part of a wider, more general over-provision of open space in the Cramlington area.
46. Furthermore, it remains the case that there is no mechanism before me to resolve and secure matters relating to open space provision, healthcare contributions, coastal mitigation or affordable housing provision. Together, the adverse impacts of these shortcomings with the appeal scheme significantly and demonstrably outweigh the modest benefits of providing additional, and age specific, homes.
47. For the reasons set out therefore, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR



Costs Decision

Site visit made on 29 October 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Costs application in relation to Appeal Ref: APP/P2935/W/25/3362679

Land North of Hartford Court, Cramlington, Northumberland

Easting: 426943 Northing: 577114

- 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 AWH Homes for a full award of costs against Northumberland County Council.
- The appeal was against the refusal of outline planning permission for proposed erection of new over 55-s apartments with associated access and parking.

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. In this instance, the application for an award of costs against the local planning authority is made on substantive grounds. Citing the examples set out in the Planning Practice Guidance (the Guidance) in relation to costs, the application contends that the local planning authority failed to produce evidence to substantiate each reason for refusal; relied on vague, generalised or inaccurate assertions unsupported by objective analysis; prevented or delayed development which should otherwise be clearly permitted having had regard to the development plan, national planning policy and other material considerations and a refusal to enter into pre-application discussions and to provide reasonably requested information that if provided could have avoided the need for an appeal or reduced the scope of an appeal.
4. It is clear that the Council considered the conclusions and reasoning of the 'Open Space Assessment'¹ (OSA), and both parties have drawn on the open space, sport and recreational facilities assessment² in their respective submissions. Whilst the appellant clearly does not share the Council's conclusions on the matter of the effect of the proposal on open space, I have no reason to conclude that the Council reached its decision without proper consideration of, or failed to assess the content of, the OSA.
5. Furthermore, the development plan policies³ refer to both designated and un-designated areas of open space and also that their value goes beyond sport, recreation and leisure uses to include amenity value. I am satisfied that the

¹ Origin Planning Services (undated)

² As referred to at paragraph 3.2, Northumberland County Council 'Written representation statement'

³ Northumberland Local Plan Policy INF5 and Cramlington Neighbourhood Plan Policy CNP17

Council's assessment of open space considers the matter of amenity value and contribution towards character and appearance, as well as recognising that whilst only a relatively small amount of open space (in purely numerical terms), it makes a contribution on a number of grounds.

6. With regard to consistency in decision making, my attention was drawn to the existing Hartford Court Care Home in terms of establishing the nature of the area's character and appearance, and also underpinning design principles of the proposed building. Whilst I agree that that building and its surrounds contribute to the overall character and appearance of the appeal site and its surrounding area, it is just one such feature that does so; amongst other elements I have identified in my decision on the planning appeal, the broad swathes of open space that run alongside roads and residential areas, as well as providing opportunities for informal and formal sport, leisure and recreation are particularly prevalent and characteristic of the surrounding area. Moreover, a considerable length of time has passed since that building received planning permission, and at a time when development plan policy, national planning guidance and material considerations were all materially different. I am not persuaded that the Council's consideration of the appeal scheme demonstrated inconsistency in decision making or an arbitrary refusal of the proposed development.
7. The appeal scheme was submitted in outline form with all matters other than access reserved for future consideration. The detail of the relationship of the proposed building to the existing is therefore uncertain at this time. Nevertheless, the indicative site layout plans suggest how a development of the scale and nature proposed could be accommodated within the appeal site and suggest that, in one location, the existing building and proposed building would be close to each other. Given the presence of the existing building, and the stated intended scale of the proposed building, the Council are not wrong to be concerned about this inter-relationship and the resulting effect on outlook. Whilst I do not agree with the Council in this respect, the scheme before me is in outline form and there could, for reasons I have set out elsewhere, likely be sufficient scope within the overall parameters of the site and the scope of the proposal to accommodate the development within the site without causing material or undue harm to living conditions. This does not in my judgement however amount to unreasonable behaviour on behalf of the Council.
8. Whilst I can understand the appellant's position regarding the outstanding matters that could have been resolved through the completion of an appropriately worded planning obligation, it is not uncommon in my experience for local planning authorities to take the approach that the Council has in this instance. The Council's refusal reasons go beyond just those matters that could have been resolved by the completion of a planning obligation and the application was not therefore refused solely on the grounds of unresolved financial contributions. I do not find the Council's approach in this respect to be unreasonable and whilst I accept that these are matters that would have to be resolved at some point, should the scheme proceed, I do not find fault with the Council's approach at the application stage.
9. As set out in my decision on the planning matters I am not persuaded that the provision of affordable housing, or the other matters that required resolution through the making of financial contributions, all secured by way of a planning obligation, could not have been resolved during the course of the application, or

during this appeal. Indeed, the appellant's submission make repeated reference to the preparation and completion of an appropriate planning obligation, but which has not been submitted. Nor has the appellant convincingly responded to the Council's indication that the matter of financial contributions secured by way of planning obligation were first raised within pre-application correspondence several months prior to the submission of the application for planning permission.

10. Although the timing of the publication of the updated Framework in December 2024 during the course of the application's consideration was unfortunate, it is nevertheless commonly understood that applications be determined on the basis of the development plan policies, and any material considerations, at the point of determination. The Council has sought to determine the application in a timely manner, which was ultimately refused on a number of grounds and not solely with regard to matters of affordable housing provision. I have no evidence before me to lead me to conclude that a longer period pre-determination would have allowed this matter to be resolved between the appellant and Council, and the subsequent failure to progress a planning obligation since lends weight to my conclusion in this respect. As such I cannot conclude that unreasonable behaviour incurring wasted expense has been incurred.
11. Therefore, for the reasons set out unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

G Robbie

INSPECTOR