
Costs Decision

Site visit made on 19 September 2016

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 1 November 2016

Costs application in relation to Appeal Ref: APP/N1730/W/16/3153056 Rushgrove and Little Mead, Reading Road North, Fleet, GU51 4AJ

- 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 Hart District Council for a full award of costs against Millen Homes Ltd.
 - The appeal was against the refusal of planning permission for detached bungalow and access way.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance (PPG) at Paragraph 030 (Reference ID: 16-030-20140306) advises that 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. The Council is of the view that the appellant has behaved unreasonably in a substantive way, as in their view, the appeal had no realistic prospect of success. Paragraph 053 (Reference ID: 16-053-20140306) of the PPG confirms where this is the case, costs may be awarded against an appellant.
 3. The Council has taken this view as a result of the findings of previous appeal decisions on the site, which both found that severing the plot to provide an additional dwelling in a tandem form of development would not preserve the character or appearance of the North Fleet Conservation Area. The Council has also set out that there have been no material changes to the development plan or to national policy.
 4. I accept the above points raised by the Council and I am mindful that I found that the scheme would not preserve or enhance the character and appearance of the Conservation Area. However, I consider that this appeal scheme is materially different to the previous appeal schemes, for a number of reasons. Firstly, the proposal is for a single storey bungalow and the site layout has been changed to try and overcome the previous Inspector's concerns. The appellant has also provided new evidence in the form of an Aerial Photographic Character Assessment to portray how the development would be viewed, once implemented. Further to this, there has been another development permitted in the area that is, to a limited degree, comparable with this proposal. These
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are all considered within my appeal decision, so there is no need to repeat such matters here.

5. For all of the reasons set out above, I conclude that the appeal scheme is materially different to the previous proposals and there are some differing material considerations. As a result, the appellant has not acted unreasonably, as set out in Paragraph 053 (Reference ID: 16-053-20140306) of the PPG. Despite the findings of my appeal decision, I consider that it would be unreasonable to conclude that the proposal had no prospect of success. Therefore an award of costs is not justified.

Jonathan Manning

INSPECTOR