The Planning Inspectorate

# Costs Decision

Site visit made on 26 September 2016

**by David Cliff BA Hons MSc MRTPI**

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

**Decision date: 14th December 2016**

**Costs application in relation to Appeal Ref: APP/M1710/W/16/3154141**
**Land adjacent to Wilsom Farmhouse, Wilsom Road, Alton, Hampshire GU34 2SP**

- 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 Mr Chris Gavin for a full award of costs against East Hampshire District Council.
- The appeal was against the refusal of planning permission to construct two new three storey dwellings with integral garages, associated parking and landscaping.

## Decision

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

## Reasons

2. Planning Policy Guidance advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.

3. The Council's decision notice includes reference to policy DE2 of the Alton Neighbourhood Plan. As this is a design related policy I do not find it unreasonable for it to be referred to within the Council's reason for refusal relating to the appearance of the proposed development and its effect upon the character and appearance of the area. Whilst I note the earlier correspondence (appendix 4 to the appellant's statement) between the Council and appellant regarding the Neighbourhood Plan, this appears to be in relation to the implications of the allocation of the housing site on Wilsom Road rather than the detailed design of the proposal. I also note that the Neighbourhood Plan was made on 12th May 2016, which is after the submission of the planning application.

4. Whilst the pre-application discussions appear to have been fairly positive in terms of the informal advice given by the Council on the prospects for a successful second planning application, it is a matter for the appellant to then decide on the scheme that is submitted seeking formal permission. Whilst I acknowledge that it can be frustrating where the formal determination of an application does not mirror advice given at the pre-application stage, the Council was entitled to come to the view it did on the second planning application.

5. In refusing the application the Council has set out two reasons for its objections to the proposal and for each reason summarises why it considers the proposed development does not accord with the relevant development plan policies. Further reasoning behind its decision can be found in the officer's report and additional appeal statement in response to the appeal.

6. Having considered the main issues in my appeal decision, taking into consideration the evidence provided by both parties, I have found that the application does not accord the development plan. My reasoning is set out in detail in my separate appeal decision. I therefore do not consider that the Council has acted unreasonably in not approving the application.

7. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. An award of costs is therefore not justified.

*David Cliff*

INSPECTOR