The Planning Inspectorate

Costs Decision

Site visit made on 31 January 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 03 March 2017

Costs application in relation to Appeal Ref: APP/B1740/W/16/3161294 17 Walkers Lane South, Blackfield SO45 1YN

- 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 Christopher Trussler (CPT Resources Ltd) for a full award of costs against New Forest District Council.
- The appeal was against the refusal of planning permission for demolition of existing three bedroom bungalow and erection of 2No. Two bedroom bungalows with associated dropkerbs, parking, landscaping, sheds and boundary treatment.

Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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.

3. The applicant refers to the requirements of the National Planning Policy Framework (the Framework) at paragraphs 17 and 49, and that the Council have failed to have due regard to these considerations. Nevertheless, I am satisfied that the Council had considered this sufficiently. The Council's statement of case refers to the proposal conflicting with the Framework's objectives in relation to high quality design, balanced against the benefits of providing an additional home in the area.

4. I recognise that the effect of the proposed development on the character and appearance of the area is primarily a matter of judgement. The Council's officer report clearly sets out the concerns in relation to design matters, and further information on their concerns is provided in section 4 of their statement of case. There is a reasonable evidential base to support the Council's stance and there are also clear references to how the proposal does not overcome all of the Council's concerns in respect of a previous planning application.

5. I note that the Council does refer to the principle of a second dwelling potentially being accommodated on the site. Nevertheless, I have also had regard to the matter of discussions between the Council and the applicant's agent during the course of the planning applications which also raised the matter of the Council's concerns in respect of the appeal scheme.

6. The applicant refers to the Development Management Procedure Order and the Guidance in respect of the precision of the reason for refusal in the decision notice. The Council refer to the relevant development plan policy in the decision notice. I consider that the decision notice also clearly sets out the reasons for refusal, and was sufficiently precise to understand the reason in respect of the contents of Policy CS2 of the Core Strategy for the New Forest outside the National Park 2009. I am satisfied that the Council did not behave unreasonably in this respect.

7. The appeal did not succeed due to the impact of the development on the character and appearance of the area so that the applicant's evidence on that matter was a necessary part of the appeal process and does not represent unnecessary expense.

8. The applicant considers that the Council have raised matters within their response to the costs application which are new matters. However, it is not clear from the information before me what the applicant is referring to in this instance.

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, as not been demonstrated.

L Gibbons

INSPECTOR