
Costs Decision

Site visit made on 9 May 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 25th May 2017

**Costs application in relation to Appeal Ref: APP/W1715/D/17/3172554
6 Haig Road, Bishopstoke, Eastleigh, Hampshire SO50 8HX**

- 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 Jamie Gregory for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the refusal of planning permission for ground and first floor rear extensions and single storey front extension.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, Planning Practice Guidance (PPG) advises that costs may only 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. The applicant's claim is on the grounds that the Council has essentially failed to justify why it refused his application, requiring him to commission revised drawings and make the appeal. He also maintains that the pre-application advice provided by the Council was unsatisfactory because it is at odds with the Council's reasons for refusing the application. Such behaviour was unreasonable, he argues.
4. The Council's reasons for refusing the application are quite clear from the decision notice and its application report and have led me to dismiss the appeal. Its pre-application advice letter dated 8 July 2016 states why the flat roof of the proposed first floor rear extension would not be acceptable. So there is no contradiction between the pre-app advice and the Council's refusal of the application in this respect. I acknowledge that the Council raised no concerns at pre-app in relation to the parking refusal reason but pre-app advice is given without prejudice to the Council's final decision, as the last sentence of the pre-app letter states.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Nick Fagan

INSPECTOR
