
Costs Decision

Site visit made on 31 May 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 27 June 2017

**Costs application in relation to Appeal Ref: APP/L1765/W/16/3164775
South View Park Homes, Oliver's Battery Gardens, Winchester, Hants.,
SO22 4HG.**

- 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 W Russell for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of an application for planning permission for the change of use of the land from the storage of caravans to one for the siting of 8 residential park homes.
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Decision

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

Reasons

2. The appellant claims that the Council acted unreasonably in refusing planning permission for development that could reasonably have been permitted and that the reason put forward is both unreasonable and unsustainable. Inadequate weight was given to the social advantages of permitting the form of affordable housing proposed which is designed to accommodate the elderly and those wishing to live in caravans. The appellant says that this unreasonable behaviour has resulted in the unnecessary work for the appellant and his planning consultant and the costs associated with this appeal.
 3. In the planning decision I considered the appeal in the context of the current development plan where the Local Plan Part 2 had only recently been adopted following examination. The development plan is up to date and gives effect to providing for the area's objectively assessed housing need. Further, in recognition of the Council's ability to now demonstrate a five year supply of new housing sites in accordance with the National Planning Policy Framework, the appellant withdrew the relevant part of his appeal statement.
 4. In assessing the proposal in relation to the development plan, I concluded that the proposal to site additional park homes for permanent residential occupation, albeit restricted to the over 55s, ran contrary to the provision of the development plan and would have resulted in moderate physical harm to the openness of a defined gap between settlements, notwithstanding the present park home site and the storage of park homes on part of the appeal site. I also concluded that the proposal did not amount to a local exceptional case for affordable housing.
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5. I recognised that these adverse effects had to be balanced with the benefits of the development including the evidence submitted of a local demand for park homes. Nevertheless, I concluded that as significant weight has to be placed on the provisions of the development plan and the moderate harm that would arise, this outweighed the other positive factors.
6. Overall, I am satisfied that with reference to the specific policies in the development plan, as now applying, and material aspects concerning the planning status of the site, the Council was able to justify and substantiate the reason for refusal. Further the weight to be given to considerations taken into account in the planning judgement was, generally, based on sound planning principles and that the refusal of planning permission was not an unreasonable decision.
7. The costs incurred by the appellant were therefore not unnecessary or wasted costs but were the normal costs arising when an appeal is made.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Murray

INSPECTOR