
Costs Decision

Site visit made on 20 June 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 30 June 2017

**Costs application in relation to Appeal Ref: APP/N1730/W/17/3169077
Whinrood Victoria Hill Road, Fleet GU51 4LG**

- 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 Mr Mark Sheppard.
 - The appeal was against the refusal of planning permission for the erection of one detached dwelling.
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Decisions

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

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party that has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council has not provided any detailed grounds to support their application. Even though the proposal follows two previous appeal decisions relating to the same site, I am satisfied that the appeal scheme is materially different from the schemes which formed the subject of those decisions.
4. Thus, I find the appellant has acted reasonably in submitting the planning application and the subsequent appeal. Therefore, it is concluded that unreasonable behaviour resulting in unnecessary expense has not been demonstrated.

L Fleming

INSPECTOR
