
Costs Decision

Site visit made on 20 June 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 10 July 2017

Costs application in relation to Appeal Ref: APP/J1725/W/17/3171853 2 Warwick Close, Lee-on-the Solent PO13 9AZ

- 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 Michael Lunn for a full award of costs against Gosport Borough Council.
 - The appeal was against the refusal of planning permission for a new single storey dwelling adjacent to 2 Warwick Close.
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Decision

1. The application is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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 appeal questionnaire was submitted late by the Council which delayed receipt by the applicant. The PPG requires all parties to behave reasonably to support an efficient and timely appeal process, for example in providing all the required evidence and ensuring timetables are met. In part, the Council has been able to justify this delay on technical difficulties experienced in sending the questionnaire. Nevertheless, even if unreasonable behaviour had occurred, the applicant has not proved that unreasonable expense has been incurred as a result of the delay.
 4. The PPG requires local planning authorities to state clearly and precisely their full reasons for refusal, specifying all policies and proposals in the development plan that are relevant to the decision. Despite the applicant's contention, the Council's reasons for refusal clearly identify the elements of the proposal found to be at fault and subsequent harm with conflicted development plan policies. Such policies do have multiple parts but it would not be difficult to ascertain the relevant parts given the reasons for refusal precisely indicate the nature of the alleged harm. Notwithstanding this, I note that the Council provided the applicant with a detailed breakdown of the relevant parts of the development plan policies before the appeal was lodged.
 5. The Council has permitted rear extension on a nearby property which would result in a rear private outdoor space significantly smaller than that subject to the appeal. In both this permission and the appeal proposal, the Council
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accepts that policy LP10 of the Gosport Borough Local Plan 2015 is relevant which I would agree with. There is some justification for the Council's approach that the two proposals are different and this mirrors the generally accepted planning convention that every proposal should be considered on its individual planning merits. In this regard, the appeal proposal is for a dwelling and not an extension. On the whole, the Council has therefore not been inconsistent and has not acted unreasonably in this respect.

6. Although I have found the proposal acceptable, this does not in itself demonstrate that the Council has acted unreasonably, especially as considerations of character and appearance involve subjective judgement. The Council has substantiated its reasons for refusal for the reasons indicated and this has not prevented or delayed development which should clearly be permitted, having regard to the development plan, national policy and other material considerations. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jonathon Parsons

INSPECTOR