



Costs Decision

Site visit made on 18 July 2017

by Simon N Hand MA

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

Decision date: 25 July 2017

Costs application in relation to Appeal Ref: APP/W1715/X/17/317028 Hillview Manor Park, Winchester Road, Fair Oak, Hampshire, SO50 7HD

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Anthony Barney for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the part refusal of a certificate of lawful use or development for land to be included within Hillview Caravan Park.
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Decision

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

Reasons

2. This appeal seems to be somewhat of a storm in a teacup. The Council granted the LDC but made an error in the address and changed the use applied for from *"land to be included within Hillview Caravan Park"* to *"use of the land for community use as a garden"*.
3. The Council agreed they had made a typographical error in the address and offered to reissue the LDC with a different address, but there was still a dispute as to what the correct address was. The site seems to be known as both Hillview Manor Park and also Hillview Caravan Park. As explained in the decision letter I think the Council's suggestion of Hillview Manor Park was correct as that is the address on the application form.
4. As to the use, the appellant clearly told the Council it was not a community use and this was definitely not what they were applying for. However, it is also not entirely clear what they were applying for. The application refers regularly to both private garden/recreational use and a general caravan park use. From the appeal it is clear the appellant wanted the LDC to describe the use as "caravan park" and that it was therefore absorbed into the general caravan park use. However, it was clear from the evidence the use was private gardens and not a general caravan park, but the appellant seems to be under the misapprehension that any use within the same planning unit ought to be described as a general caravan park use, which is not the case. The LDC concerns a specific parcel of land that has been used in a very specific way and that is all the LDC should certify.
5. Both parties seem to have been suspicious of the others motives, the appellant thought the Council were trying to claim a community use so as to bring the land within the ambit of community use policies (and also deliberately

misnaming the site as part of a farm rather than a caravan park), while the Council seemed to fear the appellant was trying to extend the caravan park onto agricultural land using the gardens as a Trojan horse.

6. In my view even had the Council not described the land as "community use", they would not have called it a "caravan park". The original suggestion in the officer's report was "garden space ancillary to residential use". Consequently, the appellant would still have had to make an appeal to pursue their caravan park argument.
7. The issues concerning the planning unit arose during the appeal; there is no mention of the land forming a separate planning unit in the certificate. The only problem with the certificate from the appellant's point of view was the address and the description of the use, which I have dealt with above. Consequently, while I consider the Council were mistaken to describe the use as a community use, the appellants would have made an appeal in any event and so were not put to the costs of an unnecessary appeal.

Simon Hand

Inspector