
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: 26 July 2017

Costs application in relation to Appeal Ref: APP/D1780/C/16/3165630 Post Office, Shirley Avenue, Southampton, SO15 5RF

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Jasbir Mandair for a full award of costs against Southampton City Council.
 - The appeal was against an enforcement notice alleging change of use of the Land from office/storage ancillary to Post office (A1 Use) to a separate, self-contained residential accommodation (C3 Use).
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Decision

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

Reasons

2. The appellant argues that the Council have not justified the requirement for an SDMP payment. They also suggest the Council have been heavy handed and could easily have negotiated an acceptable scheme.
3. My decision makes it clear that the SDMP payment is acceptable, it is contained in and supported through up to date policy and so independent scrutiny by a regulatory body, as suggested by the appellant, is not required.
4. I agree it should have been possible to agree a satisfactory scheme for the conversion of the building to a flat, but it is the case that no application was made. The conversion was carried out unlawfully, and after several visits by Council officers to the site due to complaints from neighbours that an unlawful use was being carried out. The appellant could have been in no doubt that some form of permission, either by way of a full application or for one for prior approval was required and it seems he is very much the architect of his own problems.
5. In my view the Council did not act unreasonably when issuing the notice and the appellant was not put to the wasted costs of an appeal.

Simon Hand

Inspector