The Planning Inspectorate

# Costs Decision

Site visit made on 29 March 2018

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 May 2018**

**Costs application in relation to Appeal Ref: APP/B9506/W/17/3191586 Glengariff, Glebe Lane, Landford SP5 2AB**

- 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 and Mrs Simon and Elaine Hartley for a full award of costs against New Forest National Park Authority.
- The appeal was against the refusal of planning permission for the construction of a 20m x 40m all weather outdoor riding arena.

## Decision

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

## Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 appellants' application for costs was made in writing. Their arguments were based on the alleged unreasonable behaviour of the Council and wasted expense for a number of reasons as considered below. The Council's response was also made in writing.

4. The Council's reference to the appeal site falling within Landscape Character Area 9 of the New Forest National Park Landscape Character Assessment (2015) is factually correct. How this is then interpreted in the context of the proposed development is a matter of planning judgement. As is the Council's opinion that the introduction of built development between the B3079 and Poplar trees along Glebe Lane would harm an acknowledged natural feature.

5. Similarly, the Council's decision not to approve the appellants' application subject to a condition requiring a landscaping scheme is also a matter of planning judgement.

6. Although the Council's officer report refers to an appeal decision[1] this is used to highlight part of the Council's case that maneges can have an adverse impact on the character of the landscape. Moreover, having regard to the Council's officer report and reason for refusal, I am satisfied that the Council's decision to refuse the application was mainly based on the New Forest National Park

[1] APP/B9506/A/14/2214604

Core Strategy and Development Management Policies DPD (CS) and Guidelines for Horse Related Development, a Supplementary Planning Document adopted in September 2011 (the SPD).

7. 'Policy CP7: The Built Environment' of the CS does not include a definition of the 'built environment'. However, the text of the policy refers to sites, features and designed landscapes. Furthermore, the strategic objective for protecting the Forest's built environment, as set out under paragraph 6.3 is to: 'Conserve and enhance the wealth of individual characteristics that contribute to the local distinctiveness of the built environment of the New Forest'. Based on the above, I am satisfied that the ambit of Policy CP7 is broad and its application in respect of the appeal site and proposed development is appropriate.

8. The fact that the Council has approved other maneges with a greater extent of 'cut and fill' does not lend support to the appellants' proposal, as each application is considered on its merits.

9. Given all of the foregoing, I find that the Council did not act unreasonably in this case. Accordingly, it is not necessary to consider the question of unnecessary or wasted expense. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance, has not been demonstrated.

*M Aqbal*

INSPECTOR