



Costs Decision

Site visit made on 3 June 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Costs application in relation to Appeal Ref: APP/D1780/W/19/3222824 The Garden Cottage, Bassett Wood Drive, Southampton, Hampshire SO16 3PT

- 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 Pav Rai for a partial award of costs against Southampton City Council.
 - The appeal was against the refusal of planning permission for extension and alteration to existing dwelling and new 2 bed dwelling.
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Decision

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

Procedural Matter

2. Whilst it has not been specified, the appellants costs application only relates to the highway safety reason for refusal. That being the case, I have determined it as being an application for a partial award of costs.

Reasons

3. The Planning Practice Guidance 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.
4. There have been two previous appeal decisions relating to the site concerning highway safety. The Council's position was supported by the first Inspector. The second Inspector noted that none of the issues that had previously been raised had been resolved, although the appeal was allowed. Both of these decisions however pre-date the February 2019 Framework.
5. The Council persisted with its highway safety objection given the characteristics of the track and vulnerability of non-motorised users. Given the changes to the Framework since the previous appeal decisions, and that the scheme before me related to a new dwelling, this remained a valid and material planning issue. The appeal gave the appellant the opportunity to test that decision based on the evidence from both parties. The issue of highway safety therefore concerned matters of judgement and I am satisfied the Council put forward complete, precise, specific and relevant evidence to support its overall highway concerns, and therefore reason for refusal.

6. The appellant has therefore not incurred unnecessary or wasted expense in having to pursue this reason for refusal at appeal.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul T Hocking

INSPECTOR