
Costs Decision

Site visit made on 24 June 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Costs application in relation to Appeal Ref: APP/Y9507/W/18/3211903 Highcroft, Love Lane, Twyford, Hampshire SO21 1FB

- 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 P. Reilly (Reilly Developments Ltd) for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for extensions and alterations to existing property and construction of one Custom/self-build dwelling adjacent.
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Decision

1. The application for costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant has suggested an over-reliance on the Design Panel Review Panel. I also recognise there was no objection from the Council's Landscape Officer. However, as a consultee it is for the Council to consider the weight they attribute to such comments. I recognise that the proposed scheme did seek to address some of the comments made by the Inspector for the previous appeal at the site, although the reasoning the Council set out in their decision notice is precise, specific and relevant to the application. Although I found the design approach to be appropriate, the Council clearly states the policies of the Development Plan that they considered the proposal would conflict with. This reason has been adequately substantiated by the Council.
5. In terms of the landscape impact, it is clear to me that the Council did consider the landscape impact of the development and the effect of the trees around the perimeter of the site that would filter views. The Council also referred to the previous Appeal Inspectors comments regarding the varying visual containment varying with the seasons, as set out in the submitted Landscape and Visual Impact Assessment (LVIA). I do not regard it as unreasonable for the Council

- to conclude that existing and proposed additional landscape would be insufficient to mitigate the visual impacts of the development as proposed. It is for the Council to consider the submitted evidence, such as the LVIA and Landscape Officer comments, but it does not necessarily mean they need to agree with the findings. The filtering of views of the proposed development by the landscaping is a factor but I regard the Council's views as sufficiently expressed and clear to explain their position on this issue.
6. Furthermore, the Council did produce a full and detailed Officer's Report which explains all consultee responses and issues other than those that were the final reasons for refusal. They did also acknowledge that the extended dwelling alone would not likely result in harm to the character and appearance of the area. Therefore, I do not regard the Council overly concentrated on the negative aspects of the proposal, as they saw it.
 7. It is apparent that there may be mistakes with the referenced policies on the issued Decision Notice. However, if this was correct at the time then it is not clear how this would have changed matters, with the applicable policies of the newly adopted Local Plan clearly set out by the Council for the appeal.
 8. I therefore do not regard the Council's behaviour as unreasonable. Therefore, unreasonable behaviour that resulted in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

S. Rennie

INSPECTOR