



Costs Decision

Site visit made on 25 June 2019

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

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Costs application in relation to Appeal Ref: APP/A1720/W/18/3216776 Rear of 39-41 Home Rule Road, Locks Heath, Fareham, Hampshire SO31 6LH

- 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 Derek Ward for a full award of costs against Fareham Borough Council.
 - The appeal was against the refusal of planning permission for the development described as "Outline application with all matters reserved (except access and layout) for the provision of 1no. dwelling to rear of 39 & 41 Home Rule Road with access from Chancel Road at 39-41 Home Rule Road, Locks Heath, Southampton, SO31 6LH as proposed by application P/18/0869/OA."
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Decision

1. The application for costs is refused.

Reasons

2. 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. 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. In their application for costs, the applicant states that there was a lack of evidence with clear and precise reasoning with the Council's refusal. However, I found the reasons for refusal to be sufficiently thorough and reasoned to explain their decision, especially when considered along with the Council's reports and statements.
5. I recognise that the Decision Notice from the Council does not stipulate which criterion from the policies stated that the proposed development would conflict with, which would have been useful. However, the evidence from the Council as a whole makes it clear where their concerns are focussed in their assessment of the proposal.

6. Two storey detached houses are common within the area of the site, but the evidence from the Council suggests that it was the location of this particular plot, which is currently part of a garden, that was of particular concern. The Council state that this plot area positively contributes to the character of the area. I do not find this unreasonable, although you will note from my Decision Letter that I have taken a different view.
7. Furthermore, the Council has acknowledged other examples of similarly arranged houses to that proposed, but there are some differences which leads me to conclude that the Council refusing the planning application was not unreasonable, even with these other nearby examples being evident.
8. With regards the 'Fareham Borough Design Guidance Supplementary Planning Document', this has been referred by the Council in their statement. It is therefore apparent that the Council are aware of its relevance to the proposal but this has not resulted in a different decision by the Council.

Conclusion

9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR