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## Costs Decision

Site visit made on 29 January 2020

**by Nick Fagan BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 February 2020**

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### **Costs application in relation to Appeal Ref: APP/N1730/W/19/3236241 Fir Tree Cottage, Church Path, Hook, Hampshire RG27 9LY**

- 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 Mrs Fiona Lowe for a full award of costs against Hart District Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for repairs to the existing building and erection of a single-storey side extension to the west and east with associated works, together with creation of a vehicular access.
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### **Costs application in relation to Appeal Ref: APP/N1730/Y/19/3236244 Fir Tree Cottage, Church Path, Hook, Hampshire RG27 9LY**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
  - The application is made by Mrs Fiona Lowe for a full award of costs against Hart District Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for repairs to the existing building and erection of a single-storey side extension to the west and east with associated works, together with creation of a vehicular access.
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## **Decision**

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

## **Reasons**

2. Planning Practice Guidance (PPG) 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.
3. The costs application is made essentially on the basis that the Council has unreasonably failed to validate the applications and that the applicant has therefore had to go through the unnecessary costs of making the appeals.
4. The Council's position is that inaccuracies in the plans and elevations would not allow it to confidently interpret the extent of the proposed works and that accurate plans are a national validation requirement.
5. It does appear that the Council was slow in reverting to the applicant about exactly why her applications were invalid. It also appears to me that the Council could easily have gone ahead and determined the applications based on

their planning and heritage merits, even though the plans and elevations appear not to be totally accurate or at least appear to be vague in terms of some of the height measurements. I would question the usefulness of adopting such a purist approach to the validation of the applications in this context. It must have been clear to the planning officers at the Council that the proposal was clearly unacceptable, and so could reasonably have been validated and then refused, as the previous scheme was.

6. Nonetheless, the applicant would in any case have had to have appealed any planning permission and listed building consent refusals had the applications been validated because the Council has an in-principle objection to the proposed western extension, as indeed do I for the reasons stated in my decisions. This means that there have been no wasted costs, since the applicant would have had to appeal those decisions if they had been made.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Nick Fagan*

INSPECTOR