
Costs Decision

Site visit made on 9 January 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

**Costs application in relation to Appeal Ref: APP/B1740/W/19/3238093
New Forest Water Park Club House, Ringwood Road, Fordingbridge
SP6 2EY**

- 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 Mark Jury for a full award of costs against New Forest District Council.
 - The appeal was against the refusal of planning permission for rear extension to club house.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, 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 Guidance advises that parties who pursue an appeal unreasonably without sound grounds for appeal, may have an award of costs made against them. It confirms that awards against local planning authorities may be either substantive, relating to the planning merits of the appeal, or procedural, having regard to behaviour in relation to completing the appeal process. The applicant is seeking a full award of costs on substantive grounds.
4. The Guidance states that examples of unreasonable behaviour by local planning authorities which may give rise to a substantive award of costs include: failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The applicant contends that the appeal was only necessary because the Council has not shown that they considered the application in a reasonable and objective way and it needed independent scrutiny as a result. The applicant asserts that the Council has not provided sufficient evidence to substantiate the reasons for refusal, and, in respect of the first refusal reason, having regard to the nature of the existing and proposed residential accommodation, has

wrongly related the proposal to Policy DM20 of the Local Plan Part 2: Sites and Development Management 2014 (LPP2). The applicant also contends that the Council has not properly addressed the degree of sustainability of the proposal nor the how it relates to the amount of other existing accommodation on the site.

6. I find that the refusal reasons set out in the decision notice are complete, precise, specific and relevant to the application. They clearly state which policies of the New Forest District (outside the National Park) Core Strategy 2009 (CS) and LPP2 policies that the proposal would be in conflict with. The refusal reasons have been adequately substantiated by the Council in the planning application Officer Report and the Council's Statement of case. The Council has responded to the various points raised by the applicant during the planning application and the appeal process, including the matter of whether Policy DM20 is relevant to the determination of the planning application and appeal. The Council also enabled the appellant to submit revised plans and additional supporting information in order to inform the planning committee prior to the application being determined.
7. In determining the appeal, I have found that LPP2 Policy DM20 is the relevant policy, rather than LPP2 Policy DM13, and my reasons for so doing are explained in the decision letter. I also find that the Council has adequately addressed the sustainability issue, which is incorporated into Policy DM20, and has clearly shown how the concerns regarding the proposal relate to the existence of other residential accommodation on the site, which could potentially be used to accommodate the owner's son and his family. These matters are also referred to in my decision letter.
8. Accordingly, I find that the Council was entitled to refuse the application and defend the appeal and has not acted unreasonably in so doing.

Conclusion

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

S Leonard

INSPECTOR