
Costs Decision

Site visit made on 22 September 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Costs application in relation to Appeal Ref: APP/H1705/W/20/3250192 Heathwood, Well Street, Newtown, Newbury RG20 9BG

- 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 Colin Fletcher for a full award of costs against Basingstoke and Deane Borough Council.
 - The appeal was against the refusal of the Council to grant subject to conditions of planning permission for outline consent for one residential dwelling.
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Decision

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

Reasons

2. Paragraph 030¹ of the *National Planning Practice Guidance* (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 051² of the PPG states that awards against appellants may be either procedural regarding behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
4. The applicant argues that the Council mishandled the application, advancing the arguments that the Council based its decision on false information, the misapplication of its policies and the National Planning Policy Framework and also failed to engage with the applicant when specific issues were raised.

Reasons

5. The evidence submitted includes a schedule of correspondence between the applicant and the Council. However, there are no copies of that correspondence. Although during the appeal I highlighted that evidence in relation to the costs application appeared to be missing, particularly in relation to the Council's costs response, it was not provided.
6. The schedule demonstrates that there was ongoing communication between the parties. In the absence of evidence to the contrary, I am unable to reach a conclusion that the Council acted on false information or failed to communicate or cooperate with the applicant. In any case, I can see no reason why the Council should disregard representations from interested parties or the parish

¹ Reference ID: 16-030-20140306

² Reference ID: 16-051-20140306

council. Moreover, the historic maps clearly show a gravel pit close to the appeal site.

7. I appreciate the arguments that determination was delayed by internal consultees but this does not amount to unreasonable behaviour as the applicant appears to have been kept informed. In any case the applicant had the option of raising an appeal on the grounds of non-determination.
8. Although I have disagreed with the Council on one of their reasons for refusal I can appreciate their arguments. The site is very constrained by the woodland and plot boundaries. Although I was unable to conclude beyond reasonable doubt that there would be insufficient room for parking, I can understand why the Council came to a different conclusion. I am not satisfied that the Council's conclusion amounts to unreasonable behaviour.
9. In the light of the above, I am satisfied that the Council has not acted in an unreasonable manner in relation to procedural or substantive matters. Consequently, unreasonable behaviour leading to unnecessary costs at appeal has not been demonstrated. The application for an award of costs is refused.

A Blicq

INSPECTOR