
Costs Decision

Hearing Held on 4 February 2021

Site visit made on 5 February 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

**Costs application in relation to Appeal Ref: APP/N1730/W/20/3246254
Land north of Erlands House, Bowling Alley, Crondall, Hampshire
GU10 5RL**

- 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 and Mrs T Wilks for a partial award of costs against Hart District Council.
 - The Hearing was in connection with an appeal against the refusal of planning permission for the erection of three detached dwellings with garages and new access from Bowling Alley.
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Decision

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

The submissions for Mr and Mrs Wilks

2. The costs application was submitted orally during the Hearing.
3. The Council's comments on the Unilateral Undertaking (UU) were only received the day before the Hearing, which gave little time for consideration.
4. The figures for the SAMM monitoring were provided by the Council and accepted in good faith. It is therefore unreasonable to subsequently require a higher figure.

The response by Hart District Council

5. The UU was dated 3rd June 2020 and was not sent to the Council until 18th December 2020. It could have been provided much earlier.
6. The comments amounted to less than one side of a page which should not have taken much time to consider.

Reasons

7. The Planning Practice Guidance 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.
8. Whilst the Council's comments were made on the day before the Hearing, the comments were short. The comments were also readily capable of being considered.

9. In any event the comments from the Council were limited and not substantive compared to the more extensive discussion at the Hearing. Indeed, some of their points of contention overlapped with my own questions on the UU.
10. The difference in sums for monitoring arose from the review of the necessary sums. Whilst the Council did give the initial advice, they may well not have been able review such responses. The appellants could have checked but would not have assumed that it was necessary to do so. The current circumstances do not assist communications and I do not consider that the fault is attributable to either party.

Conclusion

11. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is refused.

John Longmuir

INSPECTOR