
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 Hart District Council for a partial award of costs against Mr and Mrs T Wilks.
 - The hearing was in connection with an appeal against the refusal of planning permission for the rection 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 Hart District Council

2. The application was submitted orally during the Hearing.
3. The Unilateral Undertaking (UU) was dated 3rd June 2020 and was not sent to the Council until 18th December 2020. It should have been provided much earlier and left little time to consider. The approach to suitable alternative natural greenspace (SANG) was different to that in the submitted statement.
4. The comments on the housing need were not identified in earlier evidence and were new issues at the Hearing. The points were tantamount to re-opening the examination of the Neighbourhood Plan.

The response by Mr and Mrs Wilks

5. There was ample time for the Council to consider the UU. The appellant was thwarted by the Council from using their SANG and instead had strived to come to an arrangement with Taylor Wimpey, which eventually fell through.
6. Whilst the comments on housing need were a change in the focus, this was in response to the changing policy context. It was based on public information which is known and understood.

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. The Council did have sufficient time to respond to the UU and duly did so. Indeed, their position in the agreed Statement of Common Ground at least forecasts reservations.
9. The evidence of housing need was based on the latest policy documents, which were widely known and understood by the Council. Indeed, they would have been a direct party to their formulation. In any event, the housing need aspects were pertinent to the consideration of the planning balance and would have arisen in discussion under that heading. The appellants case looked at the conclusions of the Neighbourhood Plan and sought to apply them to the appeal proposal rather than unravel the Plan.

Conclusion

10. For the above reasons I conclude that the appellants have 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