



Costs Decision

Site visit made on 5 January 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Costs application in relation to Appeal Ref: APP/N1730/D/20/3259713 35A Basingbourne Road, Fleet GU52 6TG

- 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 Neil Weston.
 - The appeal was against the refusal of planning permission for erection of single storey front and rear extensions, raising of roof, insertion of two dormer windows to front, two dormer windows to rear and a window to each side to facilitate the conversion of the roof space to habitable accommodation, conversion into habitable accommodation following demolition and enlargement of existing double garage, alterations to fenestration.
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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 parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby causes the party applying for costs 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 appellants 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 partial award of costs on substantive grounds.
4. The Guidance confirms that an appellant is at risk of an award of substantive costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. One of the situations in which this may occur, as listed in the Guidance, is when the development is clearly not in accordance with the development plan, and no other material considerations are advanced that indicate that the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
5. The applicant considers that the appellant has acted unreasonably by disregarding or ignoring the relevant development plan policies that were drawn to its attention through engagement with the Council prior to the appeal.

6. Whilst I have not been persuaded by the appellant's case, and I have dismissed the appeal, the appellant has addressed all the development plan policies referred to in the Council's reasons for refusal. The appellant's appeal statement includes arguments in support of the appeal scheme based on the character of the surrounding area and includes reasons why it believes there are other material considerations that indicate a decision should be made other than in accordance with Policy 11 of the Fleet Neighbourhood Plan.
7. The applicant has referred to pre-application advice provided by the Council. I do not have all the information before me to come to an informed opinion on the advice that was given. However, notwithstanding this, whilst the *National Planning Policy Framework 2019* encourages early engagement and good quality pre-application discussion, this is not binding, and does not preclude the submission of a planning application and subsequent appeal, nor affect the outcome of either.
8. For the above reasons, and notwithstanding my findings on the main issues, I find that the appellant was entitled to make the current 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 Guidance, has not been demonstrated.

S Leonard

INSPECTOR