The Planning Inspectorate

Costs Decision

Site visit made on 23 February 2021

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Costs application in relation to Appeal Ref: APP/N1730/W/20/3261039
Baronmead, The Street, Rotherwick, Hook RG27 9BL

- 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 full award of costs against Andrew Sharp.
- The appeal was against the refusal of planning permission for replacement of seven windows on the front elevation.

Decision

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

Reasons

2. The national Planning Practice Guidance[1] (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG lists different types of behaviours which may give rise to a substantive award against an appellant.

3. These include situations where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable, and circumstances have not materially changed in the intervening period.

4. The Council alleges that the appellant has acted unreasonably in pursuing the appeals, given that there has been no material change in circumstances since an earlier appeal was dismissed on the 25 January 2018 for a similar proposal. As a result, the Council considers that this has led to wasted and unnecessary expense in defending the appeal.

5. However, having regard to the rebuttal submitted by the appellant, I understand that he has sought to address the concerns raised by the Inspector as part of the previous appeal. In particular, the appellant explains that the design of the proposed windows has been amended, and submitted additional information regarding the inspection carried out by a local joiner in order to demonstrate that the existing windows were beyond repair and needed to be replaced.

6. As detailed within my decision, I have found that the appeal scheme would not preserve the significance of the Grade II listed building and the special interest of the Rotherwick Conservation Area. However, for the reasons detailed above,

[1] Paragraph: 030 Reference ID: 16-030-20140306.

I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. On this basis, I conclude that an award of costs is not justified.

S Edwards

INSPECTOR