



Costs Decision

Site visit made on 28 June 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Costs application in relation to Appeal Ref: APP/M1710/W/21/3270898 16B The Green, Rowlands Castle, Hants PO9 6BN

- 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 Lee Slark for a full award of costs against East Hampshire District Council.
 - The appeal was against the refusal of planning permission for conversion of roof space with side gable and front and rear dormers.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. It is the appellant's case that the Council failed to take a positive approach to decision making, and they failed to give explicit attention or weight to a nearby site at 55A The Green which the appellant made specific reference to in support of the proposal. Finally, it is the appellant's view that reference to a case at 2 Coldharbour Lane was not relevant due to the differences between the cases. As a result of these matters, the appellant asserts that the Council demonstrated unreasonable behaviour that caused them to incur unnecessary expense.
4. I have made it clear in my decision that the example cited at 55A The Green does not alter my overall findings in relation to the effect of the proposal on the Rowlands Castle Conservation Area. Consequently, whether or not the Council made appropriate reference to this case has not affected the outcome of the appeal. I agree with the appellant that the Coldharbour Lane case is not directly relevant to the appeal. However, the Council's reference to this case does not imply that they have acted unreasonably. On the substantive point, I have found in favour of the Council and I am satisfied that they have suitably substantiated the decision that they made. Moreover, I have no compelling evidence before me that the Council failed to take a positive approach to their decision making. Simply because a proposal was refused does not mean that the Council were unhelpful or obstructive throughout the course of the original application.

5. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

Martin Chandler

INSPECTOR