



Costs Decision

Site visit made on 15 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Costs application in relation to Appeal Ref: APP/M1710/W/21/3270887 Clevelands, 11 Basingstoke Road, Alton, GU34 1QB

- 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 + Mrs Peter + Suzhanna McGuigan for a full award of costs against East Hampshire District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing double garage & workshop to rear of 11 Basingstoke Road. Construction of new 2-bedroom split-level house. New driveway access from Princess Drive (dropped kerb already in place).
-

Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application for costs relies to a substantial extent on how the Council reached its decision that the development should be refused.
3. Whilst I appreciate the outcome of the application will have been a disappointment to the appellants, the Council were not unreasonable in coming to that decision from the information they had available to them. Whilst it is evident from the main decision that I have disagreed with the Council's reasons for refusal with regards to the impact of the proposed development on living conditions of the existing dwelling, and whether there is appropriate access to the site, the Officer Report nonetheless sets out an assessment of the indicated harm and how this would conflict with relevant adopted planning policies.
4. Accordingly, I do not find that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award of costs is therefore not justified.

Tamsin Law

INSPECTOR