



Costs Decision

Site Visit made on 27 September 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/H1705/W/21/3276860

Wellspring Lodge, 16 Silchester Road, Tadley RG26 3PX

- 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 Ms Catrina Clulow for a full award of costs against Basingstoke and Deane Borough Council.
 - The appeal was made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant has mentioned that the Council's suggested alterations to the proposed Lychgate were unworkable, but has not provided any drawings or other details to enable me to independently assess this matter. Accordingly, I find that the Council's behaviour was reasonable on this ground.
4. I consider that the Council's reasoning in its Officer's Reports for both applications (which were linked at appeal stage) were not contradictory or unclear. Rather, the individual facets of reasoning referred to by the applicant demonstrate that the Council took a nuanced approach, by assessing each specific element of the proposals in turn. Moreover, the level of detail given in the Officer's Reports, and the factual statements given therein, including with respect to the character and appearance of the area, mean that these were not cases where the Council made vague, generalised or inaccurate assertions about the proposals' impact, which were unsupported by any objective analysis. Accordingly, I consider that the Council's behaviour was reasonable on these grounds.
5. The Council have conceded that an error was made in respect of the planning history, in relation to one of the applications¹. However, it is clear from reading the Council's Officer's Report for that application that this had little to no bearing on the Council's conclusion. Furthermore, the evidence does not

¹ 20/03233/FUL

demonstrate that the 'Public Observations' listed in the Council's Officer's Reports distracted the Officer from applying their independent professional planning judgement. Thus, the Council's behaviour was reasonable on these grounds.

6. It is clear from the separate Officer's Reports and decision notices that the Council treated each application individually and on their own merits. Thus, the Council's behaviour was reasonable on this ground.
7. Although I issued a split decision², the Council did not do so. Nevertheless, the Planning Practice Guidance³ only refers to express powers to issue split decisions being given to the Secretary of State and Inspectors. It further states that, 'In cases where the local planning authority considers part of the development to be unacceptable, it will normally be best to seek amended details from the applicant prior to a decision being made. In exceptional circumstances it may be appropriate to use a condition to grant permission for only part of the development...'. I have not been referred to any exceptional circumstances and as the Council was not obliged to seek amended plans I consider that the Council's behaviour was reasonable on this ground.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR

² In relation to appeal ref: APP/H1705/W/21/3276860

³ Paragraph: 013 Reference ID: 21a-013-20140306