



Costs Decision

Site visit made on 18 January 2022

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Costs application in relation to Appeal Ref: APP/C1760/W/21/3276762 The Bungalow, Stevens Drove, Houghton, Stocksbridge SO20 6LP

- 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 Mrs J Harvey for a full award of costs against Test Valley Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of an existing bungalow, garage and shed. Sub-division of the existing site into two plots to create two four bedroom houses each with three off-road parking spaces. Forming of new access drive to serve one of the houses.
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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 only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Appellant's costs application is extremely brief, indicating only that it is considered that the Council's planning decision was not logical in relation to previous decisions on this site.
4. In response the Council has accurately pointed out that the costs regime is a 2 stage process. The first is to assess whether unreasonable behaviour has occurred, and if so whether that behaviour resulted in unnecessary or wasted expense.
5. In this case the Council has clearly and adequately explained its position in relation to all the principal matters at issue. I have no reason to find that in its dealings with this appeal it has behaved in any way unreasonably, and the Appellant has not identified any areas where unreasonable behaviour is alleged. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Philip Major

Inspector