
Costs Decision

Site visit made on 1 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Costs application in relation to Appeal Ref: APP/N1730/W/21/3282415 1 Crondall Heights, Farnham Road, Ewshot, Farnham, GU10 5AY

- 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 and Mrs M O'Donnell for a full award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission for change of use of land to garden land, plus landscaping and associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance¹ (PPG) advises that, irrespective of the outcome of an 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.
3. The applicants submit that the Council dealt with the application in a manner that was inconsistent with similar applications, including the manner by which it engaged paragraph 11 d) of the National Planning Policy Framework (the Framework). There are however considerable differences between the proposal referred to by the parties for a land swap² and the appeal proposal, and I have not found that paragraph 11 d) of the Framework should be engaged. I therefore do not agree that the Council has determined similar applications in an inconsistent manner.
4. Although not specifically referenced in its refusal reason, the Council's officer report clearly acknowledged the impact of the proposal on the character and appearance of the area and addressed its suggested benefits. Reference was made to the countryside setting and the impact of domestic paraphernalia on the extended garden area. The size of the existing garden was also considered by the Council, as was the relationship between the site and the footpath. I am therefore of the view that the proposal's impact on the character and appearance of the area was not a new issue that was introduced at the appeal stage, and a planning balance, that took into account site specific issues and suggested benefits, was undertaken.

¹ Planning Practice Guidance Paragraph 030 Reference ID: 16-030-20140306

² Council Ref 19/01353/FUL

5. No evidence has been provided to show that the site was visited at the time that the Council determined the application. However, the evidence before me demonstrates an understanding of the characteristics of the site, which may be based on prior knowledge of the area, and does not lead me to conclude that the lack of a site visit meant that the Council was not sufficiently informed to consider the merits of the proposal or the suggested landscape benefits.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that the application for an award of costs should be refused.

A Tucker

INSPECTOR