



Costs Decision

Site visit made on 8 February 2022

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Costs application in relation to Appeal Ref: APP/A1720/W/21/3275349 Land rear of 65 Old Street, Fareham, PO14 3HQ

- 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 Lily Beveridge for a full award of costs against Fareham Borough Council.
 - The appeal was against the refusal of planning permission for the construction of 14 Stable Barn with Horse Walker & 60 X 30m Manege, New Toilet/Store Building and Gravel/Tarmac hardsurfacing, without complying with a condition attached to planning permission Ref P/16/0301/FP, dated 26 May 2016.
-

Decision

1. The application for 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant has referred to Circular 11/95 which related to conditions. However, with the exception of Appendix A (model conditions) which is retained, this publication has been cancelled and replaced by new planning practice guidance (PPG). However, tests for conditions are found in the National Planning Policy Framework at paragraphs 55 – 56. It is my judgement, based on the submitted evidence, that there was no necessity for the condition as imposed on the original planning permission, but have replaced that with an amended condition relating to the use of the equestrian site.
4. Whilst I have allowed the appeal, I understood the concerns of the Council and some of the neighbours to the site. The matter was not straightforward, and a significant intensification of use could have adverse consequences to both highway safety and neighbour living conditions. As such, whilst I have come to a different view on the issue, I do not regard the Council were unreasonable in imposing the condition and they have explained and substantiated their

reasoning specific to the case and explained the condition against planning policy. Furthermore, there were policies stated by the Council which I found were applicable and relevant to the appeal and included in my decision.

5. Therefore, for the reasons set out above, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

Mr S Rennie

INSPECTOR