



Costs Decision

Site visit made on 4 May 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Costs application in relation to Appeal Ref: APP/N1730/W/21/3283232 31 Haywarden Place, Hartley Wintney, Hook RG27 8UA

- 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 Hart District Council for a partial award of costs against Mr Lee Savill.
 - The appeal was against the refusal of planning permission for 2 bed new build house attached to existing dwelling.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) 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 Council has applied for an award of costs on the basis that the appellant submitted the appeal without addressing the Council's concerns in relation to the effect of additional residential development on the Thames Basin Heaths Special Protection Area (the SPA). The appellant has not rebutted the costs application.
4. The appellant was made aware of the proposal's conflict with adopted policies and the formal objection of Natural England, as the statutory nature conservation body. The adopted policy and supplementary documents are clear that residential development within the 400m exclusion zone of the SPA should not be permitted.
5. Despite this, the appellant proceeded to appeal the Council's decision without providing any proposal for robust mitigation measures that would be capable of protecting the integrity of the SPA, instead seeking to challenge the policy approach on the basis that other dwellings had been built within the zone. In doing so, the appellant has submitted an appeal without substantive supporting documentation or scientific information demonstrating that the proposal would not adversely affect the SPA or any such harms could be mitigated. This is unreasonable behaviour.

6. In coming to this decision, I have noted that the costs claim was uncontested. The advice in PPG states that an applicant's case will be strengthened if the opposing party does not offer evidence to counter the case.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Lee Savill shall pay to Hart District Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Mr Lee Savill, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Rachael Pipkin

INSPECTOR