



Costs Decision

Site visit made on 24 November 2022

by L Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2023

Costs application in relation to Appeal Ref: APP/H1705/W/22/3302369 Land west Of Silchester Road, Little London, Tadley RG26 5EX

- 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 & Mrs D Snook for a full award of costs against Basingstoke and Deane Borough Council.
 - The appeal was against the refusal to grant technical details consent for the Application for Technical Details Consent in respect of the erection of 4 no. dwellings; in accordance with Permission in Principle Ref: 19/02278/PIP.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 049 of the PPG sets out the examples of unreasonable behaviour by local planning authorities.
3. Whilst I note the comparisons between the proposal and the 5 dwellings granted planning permission on the site known as Fair Oak Poultry Farm¹, this is ultimately a different site for a different proposal. Notably, I note from the evidence before me that the detached garages at the Fair Oak Poultry Farm site are positioned to the rear of the site, as opposed to the front. The siting and massing of the garage structures was one of the main areas of concern for the Council in their decision. Whilst I have ultimately found in favour of the applicant on this particular matter, based on the evidence before me, there appears to be differences between the two schemes which have justified the Council's decision. It was reasonable of Council Members to consider matters such as scale, massing and the siting of the dwellings and garages under the technical details consent and their decision on these matters is an exercise of judgement.
4. I note that the Council refer to a Design and Sustainability Supplementary Planning Document (SPD) (July 2018) in their statement of case which was not referred to in the reason for refusal. Whilst the reference to a new policy or document at this late stage is discouraged, it is not considered that it

¹ Application reference 20/02658/FUL

introduced a new ground of appeal or issue into the appeal proceedings. The reference to the SPD did not result in unnecessary or wasted expense for the applicant.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Laura Cuthbert

INSPECTOR