



Costs Decision

Site visit made on 7 March 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2023.

Costs application in relation to Appeal Ref: APP/H1705/W/22/3310335 Land adjacent to Woolton Hill Sports Club, Woolton Hill, Hampshire

- 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 Sir Thomas Lord Discretionary Trust for a full award of costs against Basingstoke and Deane Borough Council.
 - The appeal was against the refusal of the Council to grant permission in principle for residential development up to 3 dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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.
3. The applicant considers that the Council and its members have behaved unreasonably by reaching a view on the sustainability and accessibility of the site contrary to a nearby recent appeal decision at Hollington Lane, Woolton Hill¹, where similar circumstances were found to be acceptable. In the view of the applicant, the absence of a reason for refusal on the same grounds at Slade Hill, Woolton Hill², despite that site being less accessible and sustainable, further demonstrates that the Council has behaved unreasonably.
4. Furthermore, the reason for refusal refers to Policies SD1 and SS6(e) of the Basingstoke and Deane Local Plan (BDLP), adopted May 2016, yet the Council has not sought to argue that the site is isolated or not well related to the settlement, or that there is conflict with Policy SD1. The applicant believes that a more accurate or precise reason for refusal would have narrowed the scope of the dispute, and so has resulted in unnecessary wasted time and cost to them.
5. The Council considers that it has not behaved unreasonably, and that it has been consistent in resisting the appeal at Hollington Lane on similar grounds to the appeal proposal. It also says that the Development Control Committee visited the site; that there are differences between the sites cited, and that each proposal should be considered on its own merits.

¹ APP/H1705/W/20/3247113

² LPA reference 22/02091/PIP

6. The PPG³ gives examples of unreasonable behaviour in respect of the substantive merits of the appeal. These include where the Local Planning Authority has not determined similar cases in a consistent manner. Other examples of unreasonable behaviour include a failure to produce evidence to substantiate each reason for refusal on appeal, or vague, generalised or inaccurate assertions about the impact of a proposal, unsupported by objective analysis.
7. In respect of the other examples cited by the applicant, the Council were aware of the Inspector's decision at Hollington Lane when reaching its decision. The Council was however entitled to reach its own view on the proposal before it, which relates to a different site in a different part of the village. In particular, the proposal here accesses the village at a point with a constrained highway, not only because of the absence of street lighting or pavements, but also due to its bend and other factors about which evidence has been provided. As such, the proposal before me has features that differentiate its accessibility from the other examples cited, and so I consider that the Council's stance was not unreasonable.
8. There is no dispute that the site is well related to the settlement, or that it would have access to services and facilities as set out in the applicant's Statement of Case. However, I have found conflict with BDLP Policy SS6 including sub-section (e) and it is common ground between the applicant and the Council that the proposal would not comply with this policy. The Council's reference to BDLP Policy SD1 added little to its case but the policy was relevant to my determination of the application and appeal. As such, I consider that the Council's reference to these policies was not unreasonable.

Conclusion

9. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. I therefore conclude that the application for an award of costs should be refused.

O Marigold

INSPECTOR

³ Paragraph 049 Reference ID: 16-049-20140306