

Costs Decision

Site visit made on 15 March 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 April 2023

Costs application in relation to Appeal Ref: APP/M1710/D/23/3314772 57 Chalton Lane, Clanfield, Waterlooville PO8 0PP

- 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 Mrs E Bryson for a full award of costs against East Hampshire District Council.
 - The appeal was against the refusal of planning permission for the construction of a new detached garage and front wall.
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Decision

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

Reasons

2. The Government's Planning Practice Guidance 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. For the appellant it is argued that Council made no individual assessment of the appeal scheme on its merits and instead relied on the generalised guidance in the Residential Extensions and Householder SPD.
 4. However, I consider that the SPD is particularly relevant in this case given there is specific advice on the siting of garages and outbuildings in relation to the front of a dwelling, albeit including the possibility of an exception being permissible where it can be justified. The general principle of whether such development should be permitted must therefore carry substantial weight in the appeal.
 5. Moreover, the officer's report is divided into sections and the appeal scheme is assessed under the headings of 2. 'Impact on the amenity of neighbouring properties'; 3. 'Design and impact on the character of the area', and 4. 'Highway Implications'. Under Section 3 there are the sub-headings of 'The garage' and 'The front boundary wall and railings'.
 6. Having re-read these sections with the costs claim in mind, I am entirely satisfied that the specifics of the application are properly addressed, with confirmation also given that a site visit had first been carried out. Accordingly, the main assertion of the costs application is without merit.
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7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and the application for an award of costs is refused.

Martin Andrews

INSPECTOR