



Costs Decision

Site visit made on 1 June 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Costs application in relation to Appeal Ref: APP/L1765/D/23/3317927 3 Long Barrow Close, South Wonston, Hampshire SO21 3ED

- 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 Helene Taylor for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of planning permission for a two storey side extension to existing single dwelling.
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Decision

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

Procedural Matter

2. The applicant has not specified whether they seek a full or partial award of costs. Therefore, to ensure they are not prejudiced I have made this decision considering the former.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, 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.
4. The applicant states that the Council behaved unreasonably by resolving to refuse the application without giving them fair opportunity to discuss the issues.
5. Within the email correspondence submitted by the appellant, the Council first made the applicant aware of their concerns on 24 November 2022. Specifically, the potentially unacceptably detrimental impact the proposal's proximity to the boundary of the plot and road could have on the area. The Council then undertook a site visit and on 9 December 2022 informed the applicant of their specific concerns. This initiated a short email exchange culminating in the Council confirming their resolution to recommend refusal on 21 December 2022. The decision notice was then issued on 4 January 2023.
6. Notwithstanding Christmas and New Year intervening, from the Council first raising its concerns to the decision notice being issued was just shy of 6 weeks. This is a considerable time for the applicant to have submitted amendments had they so chosen too, and there is nothing before me to say the Council would have refused to accept amendments had they been submitted. There is also nothing within the evidence showing that the Council specifically refused to discuss the matter with the applicant.

7. Consequently, the Council brought to the attention of the applicant its concerns relating to character and appearance multiple times over a considerable length of time thus providing numerous opportunities for the applicant to respond or submit amendments.
8. Notwithstanding this, the applicant could have chosen to appeal once the application period had expired rather than agree an extension of time, and they chose not to do so.
9. I therefore do not find that the Council has shown unreasonable behaviour resulting in unnecessary or wasted expense and a full or partial award of costs is not, therefore, warranted.

RJ Redford

INSPECTOR