



Costs Decisions

Site visits made on 2 May 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Costs application in relation to Appeal Ref: APP/N1730/D/23/3317189 1 Chantreyland, New Road, Eversley RG27 0PA

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Motley and Miss S Wickings for a full award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission for a two storey hipped roof rear extension.
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Decisions

1. The applications for an award of costs are both refused.

Reasons

2. In paragraph 30 of the Planning Practice Guidance concerning appeals it is advised that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. It was reasonable that the Council did not seek a planning obligation during the application process given the other concerns it had and the possibility of wasted expense being incurred by the Appellants. In any event, those submitted for the appeals do not prevent the possibility of an unacceptable impact arising at the adjacent dwellings.
4. The Appellants criticise the Council's report on the application in relation to a number of matters. These include the absence of design guidance, no reference to relevant appeal decisions or applications considered by the Council and no reference to other recreational opportunities in the locality.

5. Nevertheless, despite matters such as these, the Council's reports both refer to the reduced gardens being subject to a sense of enclosure and overbearing impact. Moreover, I found this to be the case in relation to both appeals. In Appeal B the Council's consideration of the rooflight in relation to the new bedroom was somewhat cursory. Nevertheless, the matter in dispute is clear and must be considered anyway. Furthermore, I found that the Council's concern was also justified in this regard.
6. Even if the arguments regarding the relevance of development plan policies were accepted, the proposals would still have been found unacceptable having regard to Government policy in the National Planning Policy Framework. This is a case where I found the schemes to be unacceptable having regard to fundamental material planning considerations. Given my findings that the proposals would result in demonstrable harm these appeals do not concern applications that should obviously have been approved.
7. In consequence and in relation to both appeals, it is concluded that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Therefore, in both cases a full or partial award of costs is not justified.

M Evans

INSPECTOR