



## Costs Decision

Site visit made on 8 August 2023

**by A Price BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2023**

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### **Costs application in relation to Appeal Ref: APP/M1710/W/22/3309662 Russell House, Bentworth, Alton GU34 5RB**

- 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 Dr & Mrs R Fawcett for a full award of costs against East Hampshire District Council.
- The appeal was against the refusal of planning permission for the demolition of existing dwelling, garage and storage building, erection of replacement dwelling, with associated alterations to access, erection of garage with parking and turning space, and landscaping.

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### **Decision**

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

### **Reasons**

2. 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.
3. The applicant submits that the Council has acted unreasonably in that it persisted in objecting to the scheme where a similar scheme was found to be acceptable previously.
4. In respect of the planning decision, I have noted the Council's reason for refusal. This is specific and relevant to the application. The Council also clearly states the policies of the development plan which the proposal is considered to conflict with. This reason, in my view, when taken together with the officer report, has been adequately substantiated, irrespective of any other decisions or proposals on the same site. Ultimately, the application formed a new planning application and consisted of elements which, although not dissimilar, were not identical to the earlier scheme. It is my view that the application for costs essentially relates to a disagreement about legitimate matters of planning judgement.
5. It is evident from the main decision that I have disagreed with the Council's reason for refusal. Nevertheless, I am satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*A Price* INSPECTOR