The Planning Inspectorate

Costs Decision

Site visit made on 23 November 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Costs application in relation to Ref: APP/C1760/W/23/3315091
The Abbey Hotel, 11 Church Street, Romsey SO51 8BT

- 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 Brightbeech Property Limited for a partial award of costs against Test Valley Borough Council.
- The appeal was against the refusal of planning permission for the erection of a house.

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 appellant sets out that the council has acted unreasonably in that it is alleged to have submitted late evidence. It is set out that the Council submitted their full statement of case on the 31 January 2024. This is said to have necessitated additional expense by the appellant.

4. In response, the Council sets out that the statement was submitted to the Planning Inspectorate on the 8 August 2023, prior to the deadline set out within the start letter.

5. It is evident that the appendices to the statement were submitted by the deadline but the statement itself did not arrive. To that end, documentation was technically received in good time, albeit not in its full form. This incident should not have occurred. Nevertheless, it seems to me that the lateness of the Council's response was due to a genuine administrative error which was not noted by any party until later in the process. On this basis, I cannot accept that the Council acted unreasonably in this particular instance, resulting in unnecessary or wasted expense.

6. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR