



Costs Decision

Site visit made on 7 March 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Costs application in relation to Appeal Ref: APP/A1720/W/23/3324996 Hunters Lodge Care Home, 39 Kiln Road, Fareham, Hampshire PO16 7UQ

- 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 English Oak Care Homes for a full award of costs against Fareham Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a detached single-storey four-bedroomed lodge (containing five beds) in rear garden and retention of two internal single bedrooms to achieve 48 rooms (with 49 beds); retention of patio doors to the southwest elevation of dayspace room (resubmission of application P/21/1163/FP).
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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. In this instance the applicant has set out that the Council acted unreasonably by not taking account of Policy HP8 of the Fareham Local Plan. While it would have been helpful for the Council to have considered the proposal against this policy at the application stage, it is clear that the proposal would have been found to be in conflict with that policy anyway on the basis of a lack of amenity space. The outcome of the application therefore would not have changed, and I have also found conflict with the development through this appeal.
4. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR