



Costs Decision

Site visit made on 6 March 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.05.2024

Costs application in relation to Appeal Ref: APP/M1710/W/23/3324931 Land adjacent to 25 Cowdray Park, Alton, GU34 2TT

- 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 Mr Shakir Ali for a full award of costs against East Hampshire District Council.
 - The appeal was against the refusal of planning permission for erection of a dwelling and associated works.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
3. The applicant asserts that the Council has acted unreasonably by:
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
 - making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and
 - failing to produce evidence to substantiate the refusal of the application;
4. In relation to decision-making the National Planning Policy Framework requires that Councils should approach decisions on proposed development in a positive and creative way. They are also required to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. The Council did initially work proactively with the applicant through the pre-application advice. However, pre-application discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal process. As such, there is no certainty that a planning application will succeed following positive pre-application advice.
5. The Council's refusal reasons and officer report clearly set out how it considers the proposal to be contrary to development plan policies. The matters of concern require an exercise of planning judgement and the Council's refusal

reasons are based on reasoned, substantive, and clear planning judgements. I have agreed with the Council's stance that the development would harm the character and appearance of the area, would harm the living conditions of adjoining occupiers, and would not comply with locally adopted parking standards. The proposal conflicts with the development plan when taken as a whole and there are no other considerations that outweigh that identified conflict.

6. The Council has not, therefore, prevented or delayed a development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations. As such, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Conclusion

7. For the reasons above, and having regard to all other matters raised, I conclude that unnecessary expense during the appeal process has not been demonstrated. An award of costs is therefore not justified.

S D Castle

INSPECTOR