



Costs Decision

Hearing held on 10 May 2024

Site visit made on 10 May 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Costs application in relation to Appeal Ref: APP/L1765/W/24/3337231 Moldon Farm, Bullington Lane, Sutton Scotney, Hampshire, SO21 3LA

- 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 C Wenman for a partial award of costs against Winchester City Council.
 - The appeal was against the refusal of planning permission for demolition of existing agricultural buildings and a dwelling, extension of the existing mobile home site to accommodate 29 additional mobile homes, associated parking, a package sewage treatment plant and reed bed.
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Decision

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

The submissions for Mr C Wenman

2. The costs application was made orally at the hearing.

The response by Winchester City Council

3. The response was made in writing following the close of the hearing.

Reasons

4. 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.
5. The appellant refers to the explanation in the PPG¹ about the Council being at risk of an award of costs through making generalised assertions about a proposal's impact and failing to produce evidence to substantiate each reason for refusal.
6. The officer's report is alleged to contain very limited detail on the highways reason for refusal – amounting to around 2 paragraphs. It is asserted that the Council did not seek to use any readily available data, such as the TRICS database, to predict the likely impact on the highway network despite knowing that the proposal contained 28 units.
7. The appellant concludes that the reason for refusal should not have been imposed and the Council's failure to assess the scheme properly has resulted in the wasted expenditure of the highways report.

¹ Paragraph: 049 Reference ID: 16-049-20140306

8. By way of a basic summary of events, it appears that the County Council responded to a consultation on the appeal application in its capacity as the Highways Authority. It raised issues concerning a lack of information on highway effects on the network capacity and parking for the proposed park homes.
9. This response was largely copied into the officer's delegated report and a reason for refusal was based on the same root issues.
10. The appellant submitted the Hearing Statement on Highway Matters (Highway Statement) as one of the 96 documents that accompanied the Statement of Case. The Highway Statement addresses the parking issue briefly by saying that the parking layout is shown in an updated plan which was submitted by the appellant. The Highway Statement also details that the proposed development would result in between 65 and 110 additional traffic movements per day on the existing access road, with an average of 92 per day between Monday and Friday and 87 over the 7 day period. It goes on to conclude that the existing highway network has the capacity to absorb these additional movements without detrimental effect.
11. The Start Letter for the appeal dated 19 February confirmed that a statement of common ground (SoCG) was due to be submitted by 25 March. The Council's Statement was submitted by this date and was copied to the appellant on the 26 March. No SoCG was submitted. The Council's Statement did not detail anything in particular about the highway effects or parking issues.
12. The Inspector prompted the discussion about the SoCG and other matters through the pre-hearing note issued on the 30 April. The Council was the first to respond the following day. If discussions had been ongoing about the SoCG before that date, none were brought to the attention of the Inspector.
13. The Council failed to substantiate the highways reason for refusal in its Statement. On being prompted on this aspect, and following a change in personnel, the Council sought the views of the Highway Authority again. It then withdrew the highway refusal matter concerning the highway capacity but confirmed it was still maintaining the issue with the parking provision. Since then, the appellant has promoted three alternative points in relation to parking. The first is that the Council's policy in relation to parking provision does not specifically mention park homes or caravans, thus meaning that there is no specific parking requirement for this type of home. The second point made is that there would be no point in tying the parking provision per unit to the proposed number of bedrooms as required by the development plan policy as the park home could be changed for another with a different number of bedrooms in any event. Lastly, the point made at the hearing and in the costs claim correspondence is that the caravan site licence will deal with the parking provision for each of the units.
14. I assessed the appeal on the basis of the submitted plan which shows a dedicated parking space alongside most of the units and a modest parking court in the central part of the site. In terms of the site licence being the mechanism to address parking provision, I have not been provided with a copy of a licence. I do not know that a licence will specify that each caravan shall be provided with at least one parking space. If the licence only provides for a specified minimum distance between caravans for fire prevention means, that only implies that a space shall be available, not specifically provided as a

parking space for the occupiers of each caravan. In my view, little detail was provided that would give any guarantee of this aspect being satisfactorily resolved by licencing requirements or other legislation.

15. Ultimately, the Council decided to 'let go' of the issue of parking, albeit relatively close to the date of the hearing.
16. Overall, in my view, the information provided by the appellant was necessary to address the issues raised. I consider that there was a rational basis for having sought the information, even if not at the application validation stage. The Council was not unreasonable for considering the submitted Highway Statement and ultimately withdrawing the reason for refusal, although clearly it should have done so in a timelier manner. The appellant does not appear to have been materially disadvantaged by this through wasted preparation time given the relatively straightforward nature of the issue.
17. However, that both parties needed reminding to submit a SoCG indicates that neither one has been particularly more observant of the process or timescales than the other. The appellant's complaint that the Council only indicated late in the day of the withdrawal of the highways reason can also be partly attributed to the lateness of the discussions on the SoCG and the appellant's promotion of the additional points which had not previously been outlined in evidence.

Conclusion

18. In view of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR