



Costs Decision

Site visit made on 21 May 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

**Costs application in relation to Appeal Ref: APP/D1780/W/23/3327007
Land to the west of Admiralty House, Platform Road, Southampton
SO14 3FU**

- 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 Mrs Alison Pickard for a full award of costs against Southampton City Council.
 - The appeal was against the refusal of planning permission for the construction of a 4-bedroom dwelling with green roof/roof garden.
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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) I 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 has asserted that the appeal was unnecessary as the Council did not make a full assessment of the submitted scheme in their determination of the planning application, including how concerns relating to a previous scheme had been addressed.
4. Whilst all the reasons for refusal of the appeal scheme may not have been raised at a pre-application stage, this advice is provided without prejudice. Therefore, the Council is not duty-bound to it as a result.
5. The Delegated Report is sufficiently detailed for me to conclude that it has been prepared based on the revised application scheme and incorporates the comments received from the various consultees. It sets out the reasons that led to the Council's decision and appropriately addresses the relevant policies, supplementary documents and other applicable information. Whilst some text relating to a previous scheme may inadvertently have been included within the Delegated Report, I see no reason to conclude this altered the Council's decision.
6. The lack of an objection from the Port operators is not a benchmark for a scheme to be considered acceptable. Furthermore, the Council must assess the effect of a proposed development on the surrounding area, take account of the impact on third parties and consider the 'agent of change' principle.

7. This does not lead me to conclude that the Council acted in an unprofessional or negligent manner, nor that the behaviour of the planning officer was unreasonable.
8. Even if the applicant had been able to resolve the concerns of the Council regarding the design of the proposed development as part of a design review meeting, this would not have guaranteed the grant of planning permission given the other reasons for refusal. The terms and conditions for the design service, including the refunding of any fees, are an administrative matter concerning the application and do not relate to costs incurred during the appeal process. It is therefore not a matter for me to consider in this decision.
9. I appreciate that the outcome of the planning application will be a disappointment to the applicant and I acknowledge that as private individuals, navigating the planning system is not easy. It is also evident that the applicant has undertaken a significant amount of additional work to support the proposed development during the appeal process. However, the Council were not unreasonable in coming to its decision and, when considering the merits of the proposed development, I concur with the Council.
10. The Council's actions during the processing of the appeal, whilst frustrating for the applicant, are not sufficient to conclude they acted in an unreasonable manner that led to the need to submit the appeal.
11. Therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Juliet Rogers

INSPECTOR