The Planning Inspectorate

Costs Decision

Site visit made on 29 May 2024

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Costs application in relation to Appeal Ref: APP/C1760/C/23/3321192
Land and Premises Known as Grosvenor Hotel, High Street, Stockbridge, Hampshire, SO20 6EU

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Test Valley Borough Council for a partial award of costs against Stockbridge MGT Ltd.
- The appeal was against an enforcement notice alleging the construction of a wooden framed building with a corrugated metal sheet roof.

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. unreasonable behaviour may be either procedural, relating to the appeal process, or substantive, relating to the issues arising from the merits of the appeal. In this case the application asserts that the appellant's behaviour in pursuing an appeal under ground (a) and then failing to submit supporting materials amounted to unreasonable behaviour causing the Council to waste expense in preparing its rebuttal of that ground.

3. The appeal was initially made on ground (f) only, but the Planning Inspectorate wrote to the appellant to advise that the facts stated appeared to relate to ground (a). The appellant subsequently sought to add ground (a) and paid the appropriate fee, though no further submissions were made aside from a response to the costs application. Evidently the appellant is not experienced in planning matters, and does not appear to have sought advice. However, as should be clear from the Planning Inspectorate letter, the statement made in support of the ground (f) appeal did amount to a planning merits argument. Although scant, and without reference to planning policy, it was sufficient to validate the appeal and enable an understanding of what was being sought. There is no absolute requirement to provide additional facts or argument to support the appeal, and I am not persuaded that the failure to do so amounted to unreasonable behaviour. Nor do I consider that the work by the Council in preparing its statement of case was wasted or unnecessary. The appeal was made on a reasonable, if limited, basis and stood to be determined.

Paul Dignan

INSPECTOR