



Costs Decision

Site visit made on 24 July 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Costs application in relation to Appeal Ref: APP/J1725/W/23/3334097 Land adjacent to 189 Forton Road, Gosport PO12 3HB

- 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 Lazenbury of Lazenbury Property (Bemisters) Ltd for a full award of costs against Gosport Borough Council.
 - The appeal was against the refusal of planning permission for the construction of a single block of 5 1 bedroom flats with associated parking and bin storage.
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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. The applicant sets out the reasons that have led to this costs application. This includes a delay in meeting deadlines and preventing or delaying development which should clearly be permitted.
4. The PPG sets out that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. It is evident that an extension of time was agreed between the Council and appellant until 8 September 2023. The decision notice was issued on 7 September 2023.
5. Planning law is clear that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Council's reason for refusal is set out in its decision notice. This reason is complete, precise, specific and relevant to the application. I have also found that this reason was adequately substantiated by the Council in its officer report. I am satisfied that the Council's overall determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Price

INSPECTOR