



Costs Decision

Site visit made on 29 May 2024

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 13th August 2024

**Costs application in relation to Appeal Ref: APP/C1760/C/22/3307775
Home Spring, Houghton Road, North Houghton, Stockbridge, Hampshire,
SO20 6LF**

- 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 Ms Nadine Charlton.
 - The appeal was against an enforcement notice alleging a change of use of the land to a residential use and the erection of a dwelling.
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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 Council alleges firstly that the submission by the appellant of a report by an agricultural consultant to support the appellants contention that there was justification for a rural workers dwelling was procedurally unreasonable because it was submitted at the final comments stage. However, there was a deemed planning application to consider and the appellant had made it clear that her case was that the need for residential accommodation on the appeal site for the purposes of the horticultural business on the wider site was central to her appeal on ground (a). While I do not dispute that the full case for a rural worker's dwelling should have been made earlier than it was, I do not consider that the Council's expenditure in terms of officer time and commissioning an agricultural appraisal amounted to wasted or unnecessary expense. In view of the appellant's case as stated at the outset, it would have been justified in any event.
4. Given that substantial time had elapsed between the submission of evidence and my site visit, and that the business case, bearing in mind that it stood to be assessed on the date of the decision rather than when the notice was issued, could have changed materially in the meantime, I allowed the appellant to submit additional evidence to bring the business case up to date. This is normally permitted in those circumstances and should not put any party at risk of an award of costs against them. The Council nonetheless considered the quantity of evidence submitted and the peripheral relevance of some to have been unnecessary and caused it unnecessary expense in officer time by having to review and respond to it. I do not agree. What may have been peripheral to

the appellants case would have been readily discernible, and very unlikely to have required significant time to assess, while the relevant information would have required consideration in any event. Again, I consider that the requirements for an award of costs have not been met.

5. Overall, I am not satisfied that unreasonable behaviour by the appellant leading to unnecessary or wasted expense on the part of the Council has been demonstrated, and an award of costs is not warranted.

Paul Dignan

INSPECTOR