



Costs Decision

Site visit made on 14 August 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2024

Costs application in relation to Appeal Ref: APP/N1730/W/24/3340480 Lees Farm House, Green Lane, Rotherwick, Hook, Hampshire RG27 9BA

- 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 Dr Beauchamp for a full award of costs against Hart District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the replacement of existing outbuilding with new outbuilding.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 procedural matters that have led to this costs application. This primarily relates to a failure to adhere to deadlines, in this case issuing the decision in a timely manner.
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. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.
5. The Council's putative reasons for refusal have been provided in its appeal documentation. These, in my view, have been adequately substantiated. However, the Council did not, and has not, clearly set out why the decision was not made on time, or why the applicant was not given the opportunity to formally extend the application period beyond the initial extension of time.
6. I accept that the Council communicated with the appellant that officers were awaiting a crucial consultation response from its in-house conservation specialist. However, this took several months to materialise. I also have sympathy for the Council in its resourcing and workload challenges. Nevertheless, those challenges are not a matter for the appellant, who sought an effective, positive and pro-active approach in the planning application process. Ultimately, the delays have resulted in the appellant engaging in the appeal process due to non-determination, resulting in unnecessary expense.

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7. Overall, I conclude that the Council has behaved unreasonably in this instance, and this unreasonable behaviour has directly caused the applicant to incur unnecessary or wasted expense through the preparation and submission of the appeal.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hart District Council shall pay to Dr Beauchamp, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Price

INSPECTOR