



Costs Decision

Site visit made on 21 October 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2024

Costs application in relation to Appeal Ref: APP/W1715/D/24/3349470 13 Satchell Lane, Hamble-le-Rice, Hampshire SO31 4HF

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Steve & Juliet Simpson for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the refusal of planning permission for part single, part two storey front and rear extensions, removal of existing roof and erection of new loft floor along with internal remodelling and improved parking area.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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 PPG states that awards against a local planning authority may be either procedural or substantive.
4. The award of costs is made on the basis that the applicants believe that the Council acted unreasonably, resulting in the additional costs and expense of going to appeal for a third time. However, with respect, whilst I note that the previous appeal (APP/W1715/D/24/3339148) was allowed by my colleague, nonetheless they found that the Council did not act unreasonably in coming to their decision on that proposal. Furthermore, the first appeal (APP/W1715/D23/3320111) was dismissed so clearly there were fundamental issues with respect to that proposal. Consequently, I consider that the Council's appeal track record in respect of this site is not a poor one.
5. I acknowledge that the applicants worked closely with the Planning Officer to reach an agreeable scheme, however, officer advice cannot bind a local planning authority to making a particular decision at a future date. Having said that, the applicants recommend that the Council review their pre-application service and/or look at how case officers are offering advice, which I consider to be a sage comment.
6. Notwithstanding this, and the fact that the applicants may well feel that they have been lead up the proverbial 'garden path', the officer report was clear in that it was specifically focussed on those elements of the proposal which were

not previously approved and that it was reasonable to take into account the cumulative impacts of the roof extensions, namely the hip to gable extensions over the main range of the host dwelling and that of the two and a half storey extension to the rear. As I found in my appeal decision, it was not for me to ascertain the lawfulness, or otherwise, of the former element and overall I found that the roof alterations, by reason of their scale and siting, would appear discordant and harmful to the character and appearance of the area. The Council's officer report substantiated the reasons for refusal and in the main had regard to all material considerations appertaining to the scheme.

7. The applicants have provided a bullet pointed list of areas where they have incurred costs, however an application for costs should only relate to the costs of submitting the current appeal itself, not any work leading up to it, nor the submission and resubmission of previous proposals. Nonetheless, bearing in mind that I found harm stemming from the proposal upon the character and appearance of the area I dismissed the appeal and consequently I consider that overall, a refusal of planning permission by the Council did not amount to unreasonable behaviour resulting in unnecessary and wasted expense to the applicants.
8. I therefore consider that unreasonable behaviour as described in the PPG has not been demonstrated and the application for a full award of costs is therefore refused.

C J Tivey

INSPECTOR