



Costs Decision

Site visit made on 29 October 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2024

Costs application in relation to Appeal Ref: APP/L1765/W/24/3337398 Poplar Cottage, Solomons Lane, Waltham Chase, Hampshire SO32 2LY

- 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 T Gannaway for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of planning permission for proposed erection of a pair of semi-detached two-bedroomed timber-clad holiday lodges.
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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 PPG¹ advises that a Council may be at risk of costs on substantive grounds if, amongst other things, it prevents or delays development which should clearly be permitted having regard to the Development Plan, national policy and any other material considerations. It may also be at risk² for providing information that is manifestly inaccurate.
4. During pre-application discussions, the Council initially informally advised the applicant that a different proposal on land associated with Poplar Cottage would be acceptable in principle. However, it subsequently advised that development was likely to be resisted, because of the effect on the Settlement Gap. This followed the outcome of another planning decision in the Council area, at Denmead.
5. I can understand why this was frustrating to the applicant. However, the appeal application was made fully in the knowledge of the revised pre-application advice that the proposal was likely to be refused. As I have made clear in my appeal decision letter, I have reached a similar view to the Council on the planning merits of the proposal, including in respect of Winchester District Local Plan Part 1 Policy MTRA4. Consequently, the Council has not prevented development which should clearly have been permitted.
6. The Council made a single erroneous reference to the Denmead Neighbourhood Plan in its appeal statement. However, this was not referred to elsewhere in its

¹ Paragraph: 049 Reference ID: 16-049-20140306

² Paragraph: 047 Reference ID: 16-047-20140306

evidence. The applicant was able to rebut it in one sentence. I do not therefore consider that this amounts to unreasonable behaviour or that it resulted in wasted expense to the applicant.

7. Accordingly, I find that the Council has not behaved unreasonably, having regard to the advice in the PPG. As a result, an award of costs is not warranted.

O Marigold

INSPECTOR