



Costs Decision

Site visit made on 30 October 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Costs application in relation to Appeal Ref: APP/N1730/W/24/3343970 The Pump House, Mill Lane , Yateley, Hants, GU46 7AS

- 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 Mark Smallbone for a full award of costs against Hart District Council.
 - The appeal was against the refusal of an application for the demolition of existing detached 1 bedroomed bungalow and erection of a replacement detached 3 bedroomed dwelling with provision for parking and amenity space.
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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 appellant says, in summary, that the Council acted unreasonably in refusing development that could have been permitted (with conditions) in accordance with the relevant development plan policy. There were also delays in reporting the application to the Committee and in issuing the decision notice afterwards. He says that these aspects have resulted in the appellant incurring the unnecessary costs of the appeal.
4. The planning application was recommended for approval by planning officers but the Planning Committee did not accept this recommendation. The Committee are not bound to accept such a recommendation but any contrary decision has to be clearly justified on planning grounds.
5. In this case there were three main issues. Of the first- the effect on the character and appearance of the area, I found that this involved a planning judgement on the scale and nature of the replacement dwelling and its location outside of the established built up area and in an area of countryside . Although I reached a different view on the appropriateness of the replacement dwelling, I am satisfied that the Council was able to put forward a reasonable case on how it considered the planning merits. Similarly with reason No. 2, concerning flood risk, although there was the evidence from technical bodies over flood risk being acceptable with conditions, the Committee had to weigh up considerable local objection on this topic including photographs of actual flood events that had recently occurred on and around the site.

6. While the Council's evidence on the third reason for refusal concerning the effect on the Site of Importance for Nature Conservation (SINC) was limited, overall, I find that there was some limited justification to the planning judgement to refuse. The Council's decision was therefore not wholly unreasonable. I acknowledge some delays in the process but these do not appear to me to be exceptional. The appellant has faced the costs of the appeal but these have been the normal costs arising when the right of an appeal is exercised.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David Murray

INSPECTOR