



Costs Decision

Site visit made on 20 January 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Costs application in relation to Appeal Ref: APP/M1710/W/24/3351258

4 Dene Close, Ropley, Alresford, Hampshire SO24 0BN

- 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 Robert Daynes for a full award of costs against East Hampshire District Council.
 - The appeal was against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
-

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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to substantiate each reason for refusal; and vague, generalised or inaccurate assertions about a proposals impact, which are unsupported by any objective analysis.
4. On substantive grounds the applicant claims that the Council failed to make an adequate assessment of the appeal proposal and provided insufficient detail within the Council's Decision Notice as to why the development was considered unacceptable.
5. The Council's delegated report provides a description of built form within Dene Close, as well as the changes proposed to the design of the dwelling, stating that the proposed changes would not be sympathetic to the character of the dwellings within Dene Close, thus harming the overall appearance of the area. The Decision Notice outlines that in the Council's view, first floor accommodation and an 'inappropriate' roof form are not reflective of those within the immediate locality, resulting in an undesirable and unacceptable form of development.
6. Whilst I have come to a differing conclusion in the appeal decision, this is a matter of planning judgement, and whilst the delegated report could have better articulated how the proposed design changes equate to harm, there is reasonable analysis,

with the Decision Notice providing a clear reason for refusal, quoting relevant development plan policies.

7. On procedural grounds the applicant's claim is that the Council acted unreasonably in its treatment of the applicant during the course of the application in respect of engagement, and the length of time taken to determine the application. The timeline of correspondence provided by the applicant indicates that further information was requested and amended plans submitted, with various extensions of time requested by the Council.
8. The correspondence clearly indicate that the Council found the plans as originally submitted to be unacceptable, thus the submission of amended plans to seek to overcome these concerns. However, it is put to me that the determination process was delayed due to re-consultation, a second site visit and issues relating to major IT changes, which the Council states the agent was informed.
9. Although the application took longer than 8 weeks and the delay was frustrating for the applicant, even if the decision was made earlier, this would not have avoided the need for the appeal. Moreover, it is clear that there was on-going correspondence between the parties.
10. Furthermore, correspondence also indicates that the Council sought agreement in relation to pre-commencement conditions, and in correspondence of the 11 July 2024 that the Officer would be recommending the proposal for approval, subject to agreement with a Ward Member for the application to be delegated.
11. Seeking agreement for pre-commencement conditions prior to finalising a recommendation is not unreasonable. The Council's final decision differs from that suggested in earlier correspondence, and it is not clear as to why this occurred. However, the delegated report and Decision Notice provide a reasonable reason for refusal. Furthermore, given the Council's final decision, the Council's scheme of delegation did not require agreement with the Ward Member.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

S Harrington

INSPECTOR