



Costs Decision

Site visit made on 23 January 2025

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Costs application in relation to Appeal Ref: APP/B1740/W/24/3346980

Land at Courtvale Farm, Court Hill, Damerham, Hampshire SP6 3HL

- 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 (as amended), section 250(5).
 - The application is made by D R Smith Properties Ltd for a full award of costs against New Forest District Council.
 - The appeal was against the refusal of planning permission for storage container and fuel tanks.
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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 planning merits of the development are assessed in detail in the associated appeal decision. The representations of the Council's Ecologist have been taken into account. For the detailed reasons given in the associated appeal decision, the development perpetuates the existing harm caused to the Higher Court Wood Site of Interest for Nature Conservation (SINC) and the Cranborne Chase National Landscape.
4. The benefits of the development do not clearly outweigh the harm caused to the SINC, and the loss cannot be mitigated to achieve a net gain in biodiversity. The development therefore conflicts with Policy DM2 of the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management (adopted 2014). The other considerations cited are not sufficient to overcome the identified conflict with the development plan.
5. It follows that the Council were justified in refusing planning permission for the development. Taking account of the type of behaviour which the PPG specifies as potentially giving rise to a substantive award of costs, the Council's behaviour was not unreasonable.

Conclusion

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not occurred and an award of costs is not warranted.

Alexander O'Doherty

INSPECTOR