



Costs Decision

Site visit made on 31 March 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Costs application in relation to Appeal Ref: APP/M1710/W/24/3358226

Land to the rear of 64 Victoria Road, Alton, Hampshire, GU34 2DE

- 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 Paul Kavanagh for a full award of costs against East Hampshire District Council.
 - The appeal was against the refusal of the Council to grant, subject to conditions, planning permission for Erection of two-storey detached dwelling.
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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. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in procedural and substantive terms. It is asserted that the Council failed to process the application expeditiously, delaying the time for a decision to be reached. It is further asserted that the Council's reasons for refusal did not reflect the paid-for pre-application advice, nor the applicant's communications with the planning officer during the process of the application. It is asserted that the Council's delegated officer's decision was counter to the pre-application advice and the planning officer's original recommendation for approval.
4. In relation to the first assertion, whilst it is evident that the process of the application was protracted because of the requests for amendment of the application proposals, these amendments were requested to make the proposals more acceptable in planning terms, thus allowing the officer to make an initial recommendation for approval. As this was potentially for the benefit of the applicant in obtaining approval, I do not consider that the Council have behaved unreasonably in this regard.
5. Turning to the second assertion made by the applicant, The pre-application advice identified the principle of development to be acceptable. The Council's planning officer processed the application on this basis, and following some minor amendments to the proposal, recommending the appeal proposal for approval.

6. Subsequently, the LPA's Development Management Team Leader, under the powers delegated to them, exercised their Planning and Compulsory Purchase Act 2004 section 38(6) duty, and determined that the form of backland development proposed was unacceptable, but also identified harm in relation to the effect of the proposals on the privacy of the host property and adjacent neighbours, and to the character and appearance of the surrounding area.
7. I find that the introduction of a restriction on the form of backland development to be counter to pre-application advice, and at odds with other development in the immediate vicinity and therefore to be unreasonable. However, I have also found harm in the effect of the proposal on the privacy of adjacent neighbours, and on the character and appearance of the area. Accordingly, these harms are the determining factors in the application, and the Council have not acted unreasonably in finding, as I have, the proposal to be contrary to the development plan and national policy.

Conclusion

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

D R Kay

INSPECTOR