



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: 28 May 2025

Costs application in relation to Appeal Ref: APP/M1710/W/24/3355352

5 Edward Road, Alton, Hampshire, GU34 2HF

- 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 Aaron Harrington 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 Retention of north boundary fence and extended garden area and provision of boundary landscaping (Resubmission of applications 59504/001 & 59504/002).
-

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 substantive terms. It is asserted that the Council has failed to give weight to the comments received from respondents to the notification of the appeal application when making its decision. It is further asserted that the Council has acted unreasonably in issuing a decision notice which, in the applicant's view, did not satisfy the requirement set down in section 21b-020-20140306 of PPG *'to state clearly and precisely the full reasons for refusal, specifying all policies and proposals in the development plan that are relevant to the decision.'*
4. In relation to the first assertion, the Council acknowledged within the officers delegated report, both the number of representations received and outlined the reasons made in support of the appeal application proposals. However, irrespective of the extent or grounds of support given by those notified of the application, the Council have a duty to examine any application against all policies of the Local Plan, Neighbourhood Plan and the National Planning Policy Framework. Support from respondents is one element to be weighed in the balance of decision making, along with any conflicts or harms identified against the governing planning policies.
5. Having reviewed the documents, I see no evidence the Council acted unreasonably in determining the planning application against the harm and conflict they found, as I have also found, of the proposals against the policies of the Development Plan and Framework, which outweighed the support from respondents.

6. Turning to the second assertion made by the applicant, section 21b-020-20140306 of PPG requires LPA's only *'to state clearly and precisely the full reasons for refusal, specifying all policies and proposals in the development plan that are relevant to the decision.'* The LPA are not required by the PPG to identify the reason for refusal against each individual sub-clause of each policy. The planning officer's delegated report makes it clear where the LPA consider the appeal application proposals to be contrary to policy, and the decision notice cites the policies with which they found the proposals to conflict.
7. Further to the above, the planning officer, at the early stages of the application process, highlighted to the applicant that the application as submitted did not address the reasons for refusal of the previously refused application (59504/01), and could not be supported in its present format. They offered two options for consideration by the applicant which would make the proposals more acceptable, and which would therefore gain more support. Following this correspondence, the applicant instructed the LPA to determine the application on the drawings submitted.
8. Having considered the above, I do not find that the Council have behaved unreasonably in relation to the second assertion, on the contrary, I consider the Council were proactive.

Conclusion

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

D R Kay

INSPECTOR