



Costs Decision

Site visit made on 29 April 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 JUNE 2025

Costs application in relation to Appeal Ref: APP/L1765/W/25/3360344

6 Skintle Green, Colden Common, Hampshire SO21 1UB

- 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 Adam Hill for a full award of costs against Winchester City Council.
 - The appeal was against the refusal of planning permission for the erection of a 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. The application relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action without adequate reason to do so; the incorrect naming and numbering of Local Plan policies in the reasons for refusal and the lack of reference to specific areas of conflict within the Colden Common Village Design Statement (CCVDS).
4. Planning Practice Guidance indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. It will be seen from my decision that I agree with the Council Members and that there were sufficient grounds for refusing planning permission for reasons related to the harm to the character and appearance of the area having regard to protected trees and parking. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal.
7. As a result, I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the Applicant was put to unnecessary or wasted expense.

8. With regard to the incorrect naming and numbering of Local Plan policies, the appellant has mislabelled the policy numbers within their statement and cost submission. The policies listed in the reason for refusal are correct and formally considered as part of the application.
9. The proposal is considered to conflict with the CCVDS when read as a whole and the Council have referenced key failures in terms of form and rhythm of development within their Statement of Case which the appellant has had chance to comment on.

Conclusion

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

C Coles

INSPECTOR