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## Costs Decision

Site visit made on 10 June 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

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### **Costs application in relation to Appeal Ref: APP/M1710/W/25/3359798 Yew Tree Cottage Eastland Gate, Lovedean, Waterlooville, Hampshire PO8 0SR**

- 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 Martin Price for a full award of costs against East Hampshire District Council.
  - The appeal was against the refusal of planning permission for the change of use of agricultural fields to private equestrian paddocks, creation of associated manege and horse walker without complying with condition 4 attached to planning permission Ref 26982/018, dated 27 June 2024.
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### **Decision**

1. The application for an award of costs against East Hampshire District Council is allowed in full.

### **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 PPG sets out that 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. The applicant for costs contends that in refusing planning permission the Council failed to correctly assess the proposal having regard to the earlier deemed discharge of the external lighting/floodlighting details, which the appeal proposal did not seek to amend.
4. By determining the application based on a lack of information, the Council failed to consider fully the merits of the proposal and the specific circumstances of the case, having regard to the information previously submitted to discharge the earlier condition. Thus, by failing to take into account matters already the subject of the deemed discharge of the condition, the Council has behaved unreasonably. This led to the unnecessary and wasted expense on behalf of the applicant in lodging an appeal. A full award of costs is therefore justified.

### **Costs Order**

5. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that East Hampshire District Council shall pay to Mr Martin Price, the costs of the appeal

proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

6. The applicant is now invited to submit to East Hampshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*E Worley*

INSPECTOR