



Costs Decision

Site visit made on 10 June 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Costs application in relation to Appeal Ref: APP/H1705/W/25/3360051

Land at Common Road, Headley, Hampshire

- 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 Chris Lawrence for a partial award of costs against Basingstoke and Deane Borough Council.
 - The appeal was against the refusal of planning permission for erection of one detached dwelling with access.
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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 applicant considers that reference to the Habitats Regulations was not relevant, and that sufficient information was provided prior to determination in relation to biodiversity. In addition, that mitigation requested was beyond what was needed. Further concerns were raised over the method for District Licensing for Great Crested Newts (GCN) and how impact zones were designated.
4. GCN are European Protected Species (EPS). Regulation 9(3) of the Habitats Regulations states that: "a competent authority, in exercising any of its functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions". It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted.
5. The Council as the competent authority, needed to be sure that any potential harm to an EPS would be adequately mitigated and statutory derogation tests are met. The initial Preliminary Ecological Assessment stated that GCN were not present on site and no further surveys were needed. However, it did not provide as detailed an assessment of ponds, habitats and potential implications on these and GCN as the Great Crested Newt Review and Method Statement only provided at appeal stage. Whatever the qualifications of the applicants Ecologist, it was therefore not unreasonable for the Council to question the justification for no further surveys being provided on the basis of the evidence before them at that time.

6. How zones are designated for GCN and the method for the District Licensing regime are not matters for this appeal and there is no compelling evidence that either have been set up incorrectly. Moreover, the District Licensing and suggested mitigation were options for the applicant and the refusal reason related to a lack of information rather than refusal to provide specific mitigation or enhancements.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Stuart Willis

INSPECTOR