
Costs Decision

Site visit made on 22 July 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Costs application in relation to Appeal Ref: APP/H1705/W/25/3364197

Wella House, Wella Road, Basingstoke, Hampshire, RG22 4FQ

- 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 Knightspur Homes Ltd for a full award of costs against Basingstoke and Deane Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for proposed 4 storey extension to the north east elevation of Wella House for 9 flats (5 no. 1-bed and 4 no. 2-bed) with associated car parking, bin store and cycle parking, relocation of existing bin store and reconfiguration of part of existing car park.
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Decision

1. 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 PPG makes clear¹ that if the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation, and explain their reasoning. If an appeal in such cases is allowed, the local planning authority may be at risk of a costs award if there were no substantive reasons to justify the delay, and better communication with the applicant would have enabled the appeal to be avoided altogether.
4. The appeal application was submitted in December 2023. The applicant maintains that there was no early thorough review of the application, that there were inconsistencies and delays including in consultation responses, and that new issues were raised just before committee deadlines. As such, they felt they had no choice but to make an appeal against non-determination. The Borough Council disputes this.
5. The County Council as Highway Authority objected to the application reiterating concerns by the Borough Council's Waste Team. However, the Waste Team had removed their objection in October 2024. The Highway Authority could have changed its position then, but did not do so until April 2025. In November 2024, further information was sought by the Borough Council in respect of flooding, drainage and noise, partly because of a change of approach following appeal

¹ Paragraph: 048 Reference ID: 16-048-20140306

decisions elsewhere. Information submitted by the applicant in response was found to be acceptable in March 2025. Concerns regarding green space, external design and finishes were then raised by the Borough Council.

6. I accept that the Borough Council was justified in seeking the flooding, drainage and noise information, preventing a recommendation of approval before March 2025. Its concerns regarding green space, external design and finishes could have been raised earlier in the process, but were sought to anticipate councillor questions at the 14 May 2025 committee. This does not seem unreasonable, and it was the Highway Authority objection that prevented the April committee deadline being met.
7. The applicant appealed against non-determination on 16 April 2025, but by this stage the Borough Council had already confirmed that the planning application would be heard at the May committee meeting. I understand the applicant's frustration at the time taken, and that they could not be sure of the outcome of this meeting. However, the appeal would have been unnecessary had they waited for this.
8. For these reasons, there were substantive reasons to justify the delay, and better communication with the applicant is unlikely to have avoided the appeal altogether. Consequently, I consider that the Borough Council has not behaved unreasonably or caused the applicant to incur unnecessary or wasted expense in the appeal process.

Conclusion

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred, and an award of costs is not therefore warranted.

O Marigold

INSPECTOR