



Costs Decision

Site visit made on 19 August 2025

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Costs application in relation to Appeal Ref: APP/N1730/D/25/3367584

Long Ridge, Arrow Lane, Hartley Wintney, Hook, Hampshire RG27 8LR

- 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 & Mrs Dineen for a partial award of costs against Hart District Council.
 - The appeal was against the refusal of planning permission for erection of an oak framed three bay garage with office within the roofscape.
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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. 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The application is made on the basis that the Council has not adequately substantiated one of the reasons for refusal regarding trees.
5. The Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence. In this case, the Officer Report did not provide clear evidence as to why the appeal scheme would result in unacceptable harm to Tree T6, nor why the mitigation measures outlined in the relevant Arboricultural Development Statement dated April 2025 including a Tree Survey Report dated February 2025 (the ADS) would not be adequate to prevent harm. This does in my judgement amount to unreasonable behaviour.
6. Nevertheless, the costs regime is generally focused upon the appeal process. The ADS was submitted at application stage prior to the Council reaching its decision in May 2025. Therefore, the identified unreasonable behaviour has not led to wasted expense during the appeal process.
7. Furthermore, even if the Council had not referred to this reason for refusal this would not have avoided the need for the appeal.

8. Accordingly, I am of the view that unreasonable behaviour as described in the PPG has been demonstrated on the part of the Council but this has not led to unnecessary or wasted expense.

Conclusion

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

B Astley-Serougi

INSPECTOR