
Costs Decision

Site visit made on 10 June 2025

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Costs application in relation to Appeal Ref: APP/W1715/W/24/3353355

Cherry Court, Salterns Lane, Bursledon, Hampshire SO31 8DH

- 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 Patrick Reilly for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and replacement with new self-build 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 applicant seeks an award of costs citing the alleged unreasonable behaviour of the Council in preventing or delaying development which clearly should have been permitted. In support of this the applicant states that the Members of the committee ignored the clear advice of the planning officer that permission should be granted, that vague reasons for refusal were given, that the design of the dwelling has gone through several iterations due to discussions with Council officers, that the scheme would result in betterment in views from the public realm, and that the Members of the committee did not understand the conservation policy of the Council.
4. I acknowledge that the decision to refuse permission for the development was made against the recommendation of officers to the committee. However, that in of itself is not unreasonable, the Members of the committee are entitled to disagree with their officers as long as they show good reason for doing so. It is clear from the information that has been submitted by the Council, including the Minutes from the committee meeting, that there was a lengthy discussion in respect of the proposal and its effects. The case of the Council has been satisfactorily set out in the appeal documents, and I have agreed with the reasons for refusal when making my decision on the appeal. The issues are essentially matters of planning judgement. I find that the Members were entitled to refuse planning permission and there was nothing inherently unreasonable in them doing so contrary to the officer recommendation.
5. The reasons for refusal that were set out on the decision notice were not in my view vague or unreasonably generalised. They adequately set out the concerns of the

Council in refusing permission. That the wording for the reasons was delegated to officers to formulate is not unusual, or irrational, particularly given the matters that were discussed at the committee meeting and the resolution that was set out in the committee Minutes.

6. I appreciate that it can be frustrating when, after detailed discussions taking place with officers and amendments being made to the scheme to address concerns that were set out, planning permission is then refused at planning committee against officer recommendation. Nonetheless, as I state above, there is nothing fundamentally unreasonable about this. Members are entitled to reach an independent decision based on the information that is put before them. Clearly the conclusion reached by Members was that there would not be a betterment, but that the scheme would result in harm.
7. In respect of local policy, the Council has clarified in its response to the application for costs that there was a general sentiment that the intent of a previous policy to require a justification for the demolition of buildings should not have been removed. However, there is no reference to this previous policy in the reasons for refusal and thus there is no reason to find that the refusal was based on a now-defunct policy. Indeed, relevant, and current policies are cited in the reasons for refusal.

Conclusion

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

Martin Allen

INSPECTOR