
Costs Decision

Site visit made on 13 August 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Costs application in relation to Appeal Ref: APP/N1730/W/25/3362833

Cygnus House, 1 Waterfront Business Park, Fleet, Hampshire, GU51 3QT

- 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 In His Name Ltd for a full award of costs against Hart District Council.
 - The appeal was against the refusal of the Council to grant prior approval for the removal of the existing roof, and the construction of 2 no. floors, one in facing brickwork to match existing and one in lightweight zinc. The creation of 14 no. apartments, 10 no. 2 bed unit and 4 no. 1 bed units. The erection of an external cycle store under the vehicular access ramp and raised deck car parking. The extension of the existing refuse store. 1 no. additional parking space to the car park.
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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 Council based its decision on the information it had before it when it considered the application. Whilst the reasons for refusal did not refer to a lack of information about the nature of the proposed works, the officer's report did indicate that it had insufficient information on the specific alterations and demolition works that would be undertaken. The appellant provided further information during the appeal stage which included a Structural Feasibility Report and Structural Clarification. This provided more details of the nature of the proposed works which were not before the Council when it determined the application.
4. It is evident that the Council had an interpretation of Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which it applied to the appeal proposal. Whilst I did not agree with the Council's approach in my decision on the appeal and am aware that the appellant provided the Council with its interpretation of Class AA prior to the determination of the application, it is not uncommon for matters of interpretation of planning law, procedure or policy to be explored through the appeal process. The Council provided evidence to support its case and respond to the further information submitted by the appellant.
5. Even though I did not agree with the Council's interpretation of Class AA, for the reasons given above I am not convinced that it acted unreasonably in defending its position through the appeal process.

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

R Kent

INSPECTOR