
Costs Decision

Hearing held on 9 July 2025

Site Visit made on 9 July 2025

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Costs application in relation to Appeal Refs: APP/L1765/C/23/3320989 Plot 2, Pony Paddock, Land adjacent to the Chairmakers Arms, Forest Road, Worlds End, Denmead, Hants PO7 4QX

- 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 Bridie Dora against Winchester City Council for an award of costs.
 - The appeal was against the Council's decision to issue an enforcement notice against the use of the land from agriculture to a mixed use involving residential use of a caravan, storage of caravans, and the laying of scalplings to facilitate the mixed use.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. This costs application is made by the appellant relating to a procedural matter, in that the Council produced late evidence in an attempt to clarify its case and expound on the reasons for issuing the enforcement notice.
4. The appeal stage, likely as a result of a previous backlog at PINS, took a considerable length of time. In illustration, the appeal against the enforcement notice was lodged in April 2023 and, in accordance with PINS' timetable, the Council's Statement was produced in August 2023. Final comments were made later that month.
5. The Hearing was originally scheduled for November 2024, but was then delayed until it was finally held on July 9 2025. Due to the said time lapse the Council's evidence had to be modified given that a Topic Paper relating to gypsy and traveller land supply and provision was produced in July 2024, followed by details published for such being set down in the Council's Annual Monitoring Report, produced in December 2024. These documents have provided the most up-to-date assessment of need.
6. In the circumstances the Council was quite correct to produce the latest details in the above regard – it would have been wrong not to – but I can understand the appellant's complaint that this was not submitted until a letter was sent out

on 25 June 2025, some two weeks before the Hearing was held. No proper explanation was provided to explain why it was not produced earlier. However, the details actually helped the appellant's case, with the Council explaining that it could not demonstrate a five year supply of land for gypsy and traveller purposes. In fact the Council gave a definite figure of 3.2 years, significantly below the requisite amount.

7. The appellant also makes the point that the Council, in its letter, introduced an argument that the appeal site was distanced from facilities and services to the point where it could be considered as being in an unsustainable location. This had not been referred to in the enforcement notice as being a reason for its issue but, nonetheless, the PPTS says that sustainability is a matter which should be taken into account in such cases. Accordingly, the appellant's agent should have already factored this into his representations.
8. I am, therefore, not convinced that the late evidence wrong-footed or disadvantaged the appellant. The appellant's agent then requested that the Hearing be postponed in the circumstances but, when this request was refused, he chose instead to compile a ninety five paragraph response to the Council's letter. Given, though, the matters involved, as described, I would question that it warranted the production of such a lengthy document. A discussion at the Hearing would have sufficed.
9. Moreover, the issue of the location's sustainability, or otherwise, had been previously rehearsed in two appeal decision letters from 2019 and 2022 respectively, both relating to the Pony Paddock plots, with the appointed Inspectors discussing the issue. The appellant would have been aware of their findings and the weight attached.
10. Accordingly, I must conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated and no award of costs is justified in the circumstances.
11. The application is thereby refused.

Timothy C King

INSPECTOR