



Costs Decision

Site visit made on 26 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Costs application in relation to Appeal Ref: APP/B1740/W/25/3364129 Land at Longcliffe, Victoria Road, Milford On Sea, Hampshire SO41 0NL

- 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 New Forest District Council for a full award of costs against Mr and Mrs Matthews (Russell Matthews Ltd).
 - The appeal was against the refusal of the Council to grant planning permission for the demolition of existing garage outbuilding and erection of 1 no. new dwelling with air source heat pump and bike store.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 has referred to the appellant having made three unsuccessful applications for a single dwellinghouse on this site and to the subsequent dismissal of an appeal in relation to one of those applications. The Council has also reported raising a fundamental objection to backland development on this plot in response to a request for pre-application advice in relation to this appeal scheme. The appellant has not refuted this.
4. A substantive award of costs can be made against an appellant where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period¹.
5. The appellant has not put forward any argument to suggest that circumstances have materially changed in the period since APP/B1740/W/23/3332230 (the previous appeal) was dismissed on 28 June 2024.
6. In response to the Council's argument that the Inspector in the previous appeal makes clear that there is a fundamental objection to the proposal in respect of the prevailing pattern of development and character and appearance of the area with regard to the subdivision of the plot and siting of a dwelling on this land, the

¹ <https://www.gov.uk/guidance/appeals>

appellant has noted that the Council has not claimed that the appeal scheme is 'very similar' to the dismissed appeal, but rather that it is "*predominantly similar*" and "*fundamentally similar*". The appellant has then argued that the designs of the two proposed dwellings are, in fact, very different and that substantial design changes were made to address the previous Inspector's decision.

7. Whilst, clearly, there have been design changes – including changes which, in my opinion, have addressed issues such as overlooking / privacy – it nevertheless remains the case that the current appeal scheme, like the appeal scheme before it, is at odds with the prevailing pattern of development. Therefore, whilst the appellant may have sought to address comments that were made about design by the previous Inspector, the over-arching, fundamental spatial issue remains.
8. The appellant has said that the award of costs in this case would set a very worrying precedent for the operation of the planning appeals system whereby applicants may be dissuaded from submitting amended applications and exercising the right of appeal due to the intimidating threat of costs applications being made against them. I do not agree; the appeal system must be fair to all parties and it is incumbent on appellants to give due consideration as to whether the right of appeal is being exercised in a reasonable manner, not least where appeals for very similar schemes and which give rise to the same fundamental issues are submitted without any material change in circumstances.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr & Mrs Matthews (Russell Matthews Ltd) shall pay to New Forest District Council the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Mr and Mrs Matthews (Russell Matthews Ltd), to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Burley

INSPECTOR