



Costs Decision

Site visit made on 15 August 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2025

Costs application in relation to Appeal Ref: APP/W1715/W/25/3365615

Barn Court, High Street, Bursledon, Hampshire, SO31 8DL

- 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 B Wright for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the conversion of existing detached garden store to an annexe ancillary to the host 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. Unreasonable behaviour on the part of a local planning authority may include a number of reasons, which are defined in the PPG. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in procedural and substantive terms, citing three reasons:
 - a) 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; and
 - b) not determining similar cases in a fair and consistent manner; and
 - c) failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
4. Reason a) the PC as the determining authority of the LPA, were entitled under their constitution, to call the application into the Committee. They were also entitled to defer consideration of the application pending clarification on other enforcement matters affecting the same property, and further information regarding use being supplied. From the evidence, it appears the PC meet every three months. The LPA advised the applicant that the application would have gone to the next PC in June 2025. Whilst this would delay a decision on the application, that delay would be a product of the normal timing of PC meeting dates. However, the applicant chose not to wait until this time, choosing to submit an appeal for non-determination. I therefore find that the LPA have not acted unreasonably in this regard.

5. Reason b) The LPA has identified that other applications for similar development have been subject to call-in by the PC and subject to tighter control than recommended by the planning case officer, by the imposition of additional conditions. I therefore find that the LPA have not acted unreasonably in this regard.
6. Reason c) I find this reason to be flawed. The planning application was for the conversion of an existing outbuilding incidental to the use of the main dwelling, to an annexe ancillary to the use of the main dwelling. The application is therefore, for a change of use of an existing outbuilding to residential occupation. It is therefore, not related to an extant or recently expired permission, because it is materially different to the previously approved and enacted application for the creation of the outbuilding. I therefore find that the LPA have not acted unreasonably in this regard.
7. Having examined the evidence before me, I do not find the LPA to have acted with either procedural or substantive unreasonableness in these regards

Conclusion

8. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D R Kay

INSPECTOR