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## Costs Decision

Site visit made on 1 October 2025

**by Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

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### **Costs application in relation to Appeal Ref: APP/N1730/W/25/3367474**

#### **Gold Scaffolding, Murrell Green, London Road, Hook RG27 8HZ**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Gold Scaffolding for a full award of costs against Hart District Council.
  - The appeal was against the refusal of planning permission for continued use of the site for open storage without complying with a condition attached to planning permission Ref: 23/01786/FUL dated 16/09/2024
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance 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 has contended that the Council has not produced any evidence to substantiate its concerns leading to a refusal of permission. There is no suggestion that a Council cannot take an alternative view on applications to the case put forward by the applicant, but the Council has to demonstrate, on planning grounds, why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. In this case, the Council has not accepted the Appellant's technical evidence but has not produced clear and thorough reasons to refute the evidence provided. There was no alternative assessment undertaken or a technical review of the assessment on which to challenge the findings and the mitigation recommendations of the acoustic report submitted by the Applicant. The Council did not therefore provide clear evidence to substantiate its reason for refusal.
4. As the reason for refusal indicated that in the opinion of the Council, insufficient information had been submitted to demonstrate that the amended operating hours would not result in unacceptable harm to the residential amenities of occupiers of neighbouring properties, the Applicant sought in a post decision meeting, to seek to agree what further information might be required by the Council. This was, in my view, a sensible approach and in accordance with the proactive working that the Framework seeks to encourage. However, it would also appear that the Council was unable to substantiate its reason for refusal or to clarify the further evidence it would require to reconsider its decision, at the post decision meeting.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

### **Costs Order**

6. 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 Hart District Council shall pay to Gold Scaffolding, 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.
7. The applicant is now invited to submit to Hart District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*L J Evans*

INSPECTOR