
Costs Decision

Site visit made on 10 June 2025

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Costs application in relation to Appeal Ref: APP/A1720/W/24/3357639 Land to the rear of 77 Burridge Road, Burridge, Southampton SO31 1BY

- 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 Ms Anita Barney for a full award of costs against Fareham Borough Council.
 - The appeal was against the refusal of planning permission for the change of use of land to the stationing of caravans for residential purposes with hardstanding and dayrooms incidental to that use.
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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 applicant seeks a full award of costs for substantive reasons relating to the pursuance of both of the refusal reasons advanced by the Council, in that they unreasonably refused the application having regard to the need to provide a Biodiversity Mitigation and Enhancement Plan (BEMP) as required by policy HA45, as well as further maintaining that details of on-site Biodiversity Net Gain (BNG) should be provided at application stage.
4. In respect of the reason for refusal pertaining to the requirement for a BEMP, I have found when making my decision on the appeal that this specific requirement is out of date, in light of the removal of part of the application site from the Site of Importance of Nature Conservation (SINC), and that the material consideration of the removal of part of the site is such that it outweighs the technical conflict with the part of the policy requiring the BEMP. However, this matter is one of planning judgement and an assessment of the weight to give any consideration in outweighing the requirement of an adopted policy. While I have disagreed with the approach taken in regard to this, it was the planning judgement of the Council that the requirement for the BEMP should apply. I find nothing inherently unreasonable in that.
5. The applicant also takes issue with the Council's stance in respect of the delivery of BNG, and its insistence that it be delivered on-site, or on the adjacent SINC. This matter is related to that which I have outlined above, as it appears to be the Council's stance that the BNG should be on-site, or within the adjacent SINC, in

order to meet the requirements of policy HA45 and the submission of a BEMP would outline how this is to be delivered. In my view, this was not an unreasonable approach for the Council to pursue given its judgement in relation to the applicability of policy HA45. In applying the judgement that a BEMP should be submitted demonstrating how the SINC could be enhanced, part of that enhancement could have comprised a degree of BNG within the appeal site and on the adjacent land. I do not find this to be an unreasonable approach to have taken, notwithstanding that I have disagreed with the Council on this matter when making my decision.

6. The applicant also refers to the Council not reviewing its case on the submission of the appeal documents by the appellant. However, the Council has been clear that despite the applicant's stance on the matters, that it considers its approach to be the correct one. I consider therefore that there has not been any unreasonable failure to review the case on the part of the Council.

Conclusion

7. Therefore, for the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Martin Allen

INSPECTOR