
Costs Decision

Site visit made on 2 December 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Costs application in relation to Appeal Ref: APP/W1715/W/25/3369416 Drummond Road, Shamblehurst, Hedge End, Eastleigh, Hampshire SO30 2AH

- 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 Eastleigh Borough Council for a full award of costs against Mobile Broadband Network Limited (MBNL).
 - The appeal was against the refusal of prior approval for “the installation of a 20m Streetworks monopole, 2 No. 0.3m dishes, and 6 No antennae at 16.32m and 19.52m. Additionally, a GPS node will be installed on top of the monopole, along with four cabinets at ground base level. Ancillary equipment, as shown in the attached drawings, will also be installed”.
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Decision

1. A partial 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 (the 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 Guidance advises that awards may be procedural relating to the appeal process, or substantive relating to the planning merits of the appeal. All parties are expected to behave reasonably throughout the planning process, and costs can only be awarded in relation to unnecessary or wasted expense at the appeal. The Guidance makes it clear that costs cannot be claimed for the period during the determination of the original application, although behaviour of the parties at this time can be taken into account.
4. The application for an award of costs has been made in writing by the Council and will not be repeated here in any detail. It is considered that the appellant has behaved unreasonably in failing to substantiate key aspects of their proposal and not responding to relevant technical objections. Alternative sites were dismissed without detailed assessment, no evidence was provided demonstrating that the existing site was being decommissioned, and there was an absence of information on the performance of nearby installations. Generalised and inaccurate assertions were made regarding the highway impact of the scheme, there was a failure to engage with the Council and statutory consultees, and new evidence was provided at a late stage.
5. For substantive reasons the appeal has been dismissed. Areas of search and coverage were provided for the original application, albeit this information followed a request for such evidence from the Council. This information should have formed

part of the original application submission, as should details demonstrating why and when the existing mast was to be decommissioned. Such omissions were remiss of the appellant, particularly given that the National Planning Policy Framework (the Framework) requires applications for electronic communications development to be supported by the necessary evidence to justify the development. Providing this information at a late stage would have been vexatious for the Council given the strict time constraints for determining prior approval applications. Notwithstanding this, the evidence was provided for the appeal.

6. Some information on alternative sites was provided by the appellant, but it was for a concentrated area rather than addressing the larger area of residential need. The Council provided a list of alternative site suggestions, none of which were specifically considered by the appellant. Given the issues raised by this case, such a stance would again have been frustrating for the Council, particularly as the appellant did not explore in any detail the use of existing masts or buildings, as required by the Framework and industry best practice. However, for the appeal the appellant has made an attempt to justify their stance, albeit in a generic rather than case specific way.
7. As regards the issues surrounding the public highway, Hampshire Highways Department clearly raised two highway objections, one concerning the reduction of the shared footway and cycleway, and the other concerning the obstruction of visibility splays to the car park. The appellant's appeal statement only refers to the impact upon the shared footway, and as identified by the Council, the evidence cited for the width was factually incorrect as it does not refer to the standards for a shared footway and cycleway. Furthermore, the costs response of the appellant was used as an opportunity to provide additional information regarding this matter. The provision of additional evidence at a late stage and through the costs application was unreasonable behaviour of the appellant at the appeal, and particularly so in this case as the evidence that was provided was inaccurate.
8. The second highway objection concerning visibility splays was not dealt with by the appellant in the grounds of appeal. Reference was made to the issue at the final comments stage, albeit to point out that the Highways Department had no objection on this ground, and that the case officer's assessment of the impact of the cabinets upon the visibility splays was ill-founded and misleading.
9. Notwithstanding the appellant's view of the Council, the Council's case officer opinion was consistent with that of the Highways Department's in clearly objecting to the scheme for two reasons. The link provided by the appellant within their costs rebuttal showing communication with the Highways Department fails to open, but irrespective of this, what the appellant makes clear is that such communications were occurring on the day the Council refused the application. Whatever the reason for such a delay, for the appeal the evidence provided by the appellant was generalised, inaccurate, and untrue. This again was unreasonable behaviour of the appellant at the appeal stage and would have resulted in the Council unnecessarily having to justify this matter.
10. The consideration of planning applications and appeals involves matters of judgement that are at times finely balanced. In this case the appellant has considered the harm resulting from the proposal to the character and appearance and area at the appeal stage, but has failed to provide a comprehensive and accurate case with regard to highway safety. Consequently, unreasonable

behaviour resulting in unnecessary and wasted expense as described in the Guidance has been demonstrated and a partial award of costs is justified.

Costs Order

11. 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 Mobile Broadband Network Limited (MBNL) shall pay to Eastleigh Borough Council, the costs of the appeal proceedings described in the heading of this decision with regard to the matter of siting and appearance impacts upon highway safety; such costs to be assessed in the Senior Courts Office if not agreed.
12. Eastleigh Borough Council is now invited to submit to Mobile Broadband Network Limited (MBNL), to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J J Evans

INSPECTOR