



Costs Decision

Site visit made on 16 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 06 January 2026

Costs application in relation to Appeal Ref: APP/B1740/W/25/3369359

79 Eastfield Lane, Ringwood, Hampshire BH24 1UN

- 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 Maraval Segensworth Road Ltd for a full award of costs against New Forest District Council.
 - The appeal was against the refusal of planning permission for the erection of two properties with access and parking.
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Decision

1. The application for a full award of costs is refused.

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 appellant and will not be repeated here in any detail. It is considered that the Council has behaved unreasonably by providing endorsement at the pre-application stage then refusing the application for different, unidentified grounds. Reliance has been placed upon generalised assertions that were unsupported by objective analysis, including with regard to the consideration of a nearby housing allocation. Inconsistent decision making has occurred, with different standards applied to similar development proposals without clear and objective planning reasons for the distinction. Development that should have been permitted has been prevented.
5. The appeal decision explains the substantive reasons for dismissing the appeal. When refusing an application, the Council is obliged by the Guidance to make the reasons for refusal clear. In this case the Council's reasons were clear and precise, referring to relevant development plan policies. The harms arising from the scheme were identified for the original application and for the appeal, with specific explanation being provided. This included consideration of the allocation of

land to the rear of the appeal site as a strategic housing allocation, and also Counsel opinion as regards the weight to be attributed to a Supplementary Planning Document. It is not the situation that the Council made generalised assertions without objective analysis.

6. There has been backland development to the eastern side of Eastfield Lane, but it is one example and is very different to the appeal scheme. Whilst it was remiss of the Council not to have responded to this ground within the costs rebuttal, the development to the rear of 53 and 55 Eastfield Lane is not sufficiently similar to the appeal scheme for the Council to have demonstrated inconsistent decision making.
7. Pre-application opinion was provided by the Council for development within the rear garden of 79 Eastfield Lane, and this opinion informed an application for two dwellings. The principle of the development was considered acceptable, albeit subject to numerous criteria being met. Notwithstanding this, the subsequent application was refused, with one of the reasons being concerned with harm to the character and appearance of the area. It would have been frustrating for the appellant to have received a refusal having sought pre-application advice particularly as the refusal raised matters not dealt with in the pre-application response. Nevertheless, this refused application was not appealed.
8. Another application was submitted and was refused and is the subject of the appeal. No pre-application advice was sought for this scheme, and this would have been the choice of the appellant. The refusal of this application was again for character and appearance grounds and because habitat mitigation had not been secured. Both reasons had been raised by the previously refused application and consequently both would have been matters that the appellant would have been aware of from the planning history.
9. Furthermore, as the appellant had not secured habitat mitigation with the application, it was not the case that development which should have been permitted had been prevented.
10. The consideration of applications involves matters of judgement that are at times finely balanced based on complex evidence, and for this scheme the Council gave a different weight to the issues than the appellant. This is not unreasonable behaviour of the Council, but a decision based on the nuances of the case.
11. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for an award of costs is refused.

J J Evans

INSPECTOR