



Costs Decision

Hearing held on 10 September 2025

Site visit made on 10 September 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Costs application in relation to Appeal Ref: APP/M1710/W/25/3360682

Land at the 7th Green, Forge Road, Kingsley GU35 9NZ

- 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 East Hampshire District Council for a partial award of costs against Donall O'Hartaigh.
 - The appeal was against the refusal of planning permission for change of use of agricultural land to create a 3 pitch Traveller site comprising the siting of 3 static caravans and 3 touring caravans.
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Decision

1. The application for an 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 (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 costs application made by the Council focusses on unreasonable behaviour of a largely procedural nature. The PPG¹ sets out examples of procedural unreasonableness and includes where there is resistance to, or lack of co-operation with the other party or parties in providing information; where there are delays in providing information or other failure to adhere to deadlines; where fresh and substantial evidence is introduced at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
4. In respect of the of lack co-operation, the appellant needed to be reminded to produce a Statement of Common Ground (SOCG) in a timely manner and did not respond to prompts by the Council to resolve the SOCG until after the deadline that I had already extended.
5. The appellant rebuts a number of points but ultimately asserts that the Council has not demonstrated how the failure to respond in a timely manner on the SOCG has caused wasted or unnecessary expense to be incurred.
6. The appellant submitted on the afternoon before the hearing, four documents, including a Drainage Addendum Note, N03 Response to Highways Comments and

1. In paragraph: 052 Reference ID: 16-052-20140306

- two separate appeal decisions. I did not receive these until the morning of the hearing itself. The Council had two representatives at the hearing but neither were specialists on the highways or drainage matters; thus, an adjournment was necessary to allow for the Council to consider its case in relation to these matters.
7. In respect of the appeal decisions, the appellant explains that they were only issued in the lead up to the hearing and that they were relevant to the appellant's case. The Council's representatives were familiar with these appeal decisions and were thus capable of addressing their relevance during the hearing without undue delays.
 8. However, the submission of the N03 Highways Comments and Drainage Addendum Note were problematic and no valid excuse had been given for their late submission. They introduced substantive new evidence in response to aspects that were set out in the Council's decision notice. Submitting these documents on the day prior to the hearing necessitated further work during the adjournment and thereafter by having to consult with interested parties and liaising on the implications for the appeal case, i.e. in the production of an Addendum Statement. This work could not have taken place without an adjournment of the hearing given the late stage and manner in which these documents were submitted.
 9. Lastly, despite the appellant's and his family's personal circumstances having been alluded to in the appeal application documentation and appeal Statement, there were no written details of this nature on which to reach any reasoned conclusions. The Council's officer report and Statement allude to the absence of these details, yet this evidence was only provided for the first time through the appellant's oral submissions at the hearing.
 10. The appellant sets out that the LPA did not request any additional personal circumstances information during the course of the appeal application and that in any event, there is no evidence to show there has been any wasted or unnecessary costs resulting from the introduction of such at the appeal hearing.
 11. My view is that this is a valid criticism, even if it does not merit any award of costs. The evidence was foreshadowed by the appellant but not submitted at the most appropriate opportunities. It should not be the Council's role to extract the appellant's case, particularly when the appellant seeks to rely on it. The introduction of verbal evidence of this nature at such a late stage in the proceedings hinders the efficiency and transparency of the process.

Conclusions

12. In view of the above, I consider that unreasonable behaviour has been demonstrated in relation to the appellant's procedural handling of some aspects of the appeal case which has necessitated the Council incurring further unnecessary expense and a partial award of costs is therefore warranted. The expense is associated with the additional work by the officers (resource time) spent specifically on the preparation of an Addendum Statement and consulting with interested parties and the Planning Inspectorate in connection with the drainage and highways documents submitted the day prior to the hearing.

Costs Order

13. 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 Donall O'Hartaigh shall pay to East Hampshire District Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the manner described in paragraph 12; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The Council is now invited to submit to Donall O'Hartaigh, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Nicholls

INSPECTOR