
Costs Decision

Site visit made on 5 May 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 11th May 2026

Costs application in relation to Appeal Ref: APP/B9506/C/24/3345956 153 Woodlands Road, Ashurst, Southampton, Hampshire, SO40 7BH

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Miss Alice Burch for a full award of costs against New Forest National Park Authority.
 - The appeal was against an enforcement notice alleging the erection of fencing and gates.
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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 argues the Authority pursued a breach so trivial that it was not expedient to do so. They failed to enter into any negotiations, failed to produce evidence to support their claims, are inconsistent in their decision making and ignored the applicant's human rights.
4. Many of the applicant's arguments turn on her opinion that planning permission should be granted for the fence. I disagreed with that opinion for in my view the Authorities actions were well grounded.
5. I have seen the considerable e-mail correspondence between the parties, much of it dating from 2021 when the original application was not registered. The Council were clear that scaled plans were required. A formal complaint was made and dealt with by letter dated 13 September 2021. The Authority apologised for the protracted nature of the correspondence but did point out that this was during the Covid-19 pandemic which made everything more difficult. The letter goes on to clearly point out the appellant does not have deemed consent for the fence and that the application is still invalid as it is missing key documentation. Following this a Council Officer met the appellant at her garden and explained why a close boarded fence was not appropriate and pointed to advice on alternative options. The appellant does not seem to have accepted this as reasonable and complained again. This was dealt with by letter in October 2021. Again this reiterated that the Authority had still not received a valid planning application for a fence. Again the appellant did not seem to accept this.

6. After this it seems the Appellant took the matter into her own hands and erected the fence subject to this appeal, telling the Authority's officers she thought she had planning permission for it. Why she thought that is unclear as it had been explained, in detail, that she did not. It seems the appellant simply lost patience with the fact that she could not have the fence she wanted. That does not make the Authority's actions in the run-up to the issue of the notice unreasonable. In fact they seem to have been as helpful as they could be.
7. The Authority did produce evidence to support the issue of the notice. I agreed with their description of the fence as industrial and out of place. It is difficult to understand what other evidence is needed. The applicant refers to another decision for a metal mesh fence of a similar size allowed by the Authority in May 2022. However, I note this was set back from the road behind existing trees and bushes and so was partially obscured with the opportunity for further planting between the fence and the road. That is quite different from the case at appeal.
8. Given the Authority's clearly stated position on the fence then their interference with the appellant's human rights was proportionate. There is nothing to prevent the appellant from installing boundary treatment as long as it is appropriate to its setting. In my view the Authority have not acted unreasonably and a costs award is not justified.

Simon Hand

INSPECTOR