The Planning Inspectorate

# Costs Decision

Site visit made on 28 January 2014

**by Gareth Symons BSc Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 February 2014**

**Costs application in relation to Appeal Ref: APP/W1715/A/13/2194816**
**Bay Farm, Grange Road, Burlesdon, Southampton, SO31 8GD**

- 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 Mr M Kempster for a full award of costs against Eastleigh Borough Council.
- The appeal was against the refusal of planning permission for the demolition of the existing dwellinghouse and ancillary building and the erection of a replacement dwelling.

## Decision

1. The application is refused.

## Reasons

2. The Councils approach to what is clearly a permitted residential use of the site and the issue of developer contributions was confused. Nevertheless, the heart of the Council's concerns relating to the loss of a Gypsy site and the adverse effect of the proposal on a strategic gap stood up well to scrutiny and they have also been why the appeal did not succeed. As such the Council did not prevent or delay development that could be clearly permitted having regard to local and national planning policies and it was not possible to impose conditions to overcome the objections.

3. Against this background, as a whole, the Council did not act unreasonably. Therefore an award of costs is not justified. Consequently the application should be refused.

*Gareth Symons*

INSPECTOR