

Town and Country Planning Act 1990

Costs Appeal by

Mr N Sansome

**63 Chalvington Road, Chandler's Ford,
Eastleigh, SO52 3DY**

**Planning Inspectorate Ref:
APP/W1715/W/23/3330250**

Local Planning Authority Ref: F/23/95162

COSTS REBUTTAL
On behalf of Eastleigh Borough Council

February 2024

Introduction

1. This statement by the Local Planning Authority (LPA) is in response to the Appellant's application for the full award of costs against Eastleigh Borough Council.
2. The Planning Practice Guidance states that parties in planning appeals normally meet their own expenses. A cost claim can only be awarded against the LPA if it is demonstrated that they have acted unreasonably (either procedurally or substantively) during the course of the application, and this has resulted in the Appellant incurring unnecessary costs.
3. This LPA's cost rebuttal will examine each of the Appellant's cost claims and explain why the LPA has not acted unreasonably.

Cost Claim 1: Introduction of Garden and Dwelling Size into First Reason for Refusal

4. The first reason for refusal states: *"The proposed residential conversion, due to its features, small proportions and plot size would result in a development that is out of keeping with the pattern of development, detrimental to the street scene and wider character of the residential area. As such the proposed development is contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework"*.
5. The Appellant argues that the LPA should not have introduced plot size or dwelling size into the reason for refusal as the Inspector did not raise this as a concern within the previous dismissed appeal. Their cost claim goes onto reference the Inspectors comments on the small amenity area, which is hidden behind a hedge and so would have a neutral impact on the character and appearance of the area (paragraph 9 of appeal APP/W1715/W/18/3213717).
6. The LPA accepts the Planning Inspector's comments but would like it noted that the reason for refusal (and accompanying officer report) does not refer to the amenity area, but rather to the overall plot size. The plot size being much smaller than the neighbouring residential properties and so adding to the cramped appearance of the development. The LPA's comments on the plot size forms a small part of its wider argument relating to the size and design of the residential conversion and the impact it would have on the character and appearance of the locality.
7. It should also be noted that LPA decision closely followed the reasoning within the dismissed appeal in which the Inspector concluded *"The appeal scheme proposes a materially different use, such that it would impart a character different to that of the garage. Most notably, the appeal scheme would be viewed as a separate and stand-alone development that would, in my view, appear cramped when viewed within the context of the surrounding dwellings"* (paragraph 7).

Cost Claim 2: Incorrect Application of the Nationally Described Internal Space Standards

8. The second cost claim relates to the incorrect application of the nationally described internal space standards. The Appellant asserts that the LPA relied upon the summary information within the document rather than considering the principle and reasoning behind the standards.
9. The LPA disagrees with the Appellant's view. The nationally described internal space standards sets out a number of technical requirements (including minimum gross internal floor areas) for new dwellings so that they provide good quality living accommodation.
10. The appeal proposal as a two storey, one bed, residential property fails to meet the standards set out within the document. No compelling reason has been given by the Appellant as to why the proposed residential conversion should not be subject to the nationally described internal space standards and indeed compliance with these standards is required by Policy DM30 of the Eastleigh Borough Local Plan.

Costs Claim 3: Lack of Communication

11. The third cost claim relates to the LPA's lack of communication with the Appellant during the planning application to allow the scheme to be negotiated. It should be noted that while the LPA would like to be able to negotiate schemes during the planning application stage, this is workload dependant. Limited effort was made by the Appellant Agent's to seek the Officer's opinion during the planning application and the Appellant did not choose to enter into the Council's pre-application advice service before submitting the application.
12. The fact that the LPA did not negotiate on the appeal application does not mean it behaved unreasonably and there is no duty on the Planning Officer to enter into negotiations during a planning application.

Conclusion

13. In accordance with the Planning Practice Guidance – The Awards of Costs, the LPA is of the view that it has not behaved unreasonably. As such the LPA respectfully requests that the Appellants costs application is dismissed.