



Costs Decision

Site visit made on 6 March 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Costs application in relation to Appeal Ref: APP/W1715/W/23/3330473 25 Southern Road, West End, Hampshire SO30 3ES

- 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 J Martin for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a front boundary fencing.
-

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 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 considers that the Council have behaved unreasonably by over relying on comments from a technical officer, that the planning officer's manager did not conduct a site visit, that the wider street scene had not been considered and that the guidance in the local Character Appraisal (CA) or the Quality Places Supplementary Planning Document (SPD) had not been referred to.
4. On review of the officer's report, I find it provides a reasoned and proper judgement to support the Council's decision. It shows a thorough assessment of the site and the potential effect of the scheme in the context of the street scene. There is not an over reliance on the technical officer's comments, indeed the Council clearly state those comments were related to a linked application also currently under appeal (reference APP/W1715/W/23/3330474) and on review of the evidence before me I agree with this statement. It is not unreasonable for a manager to rely on the assessment of an area given by their officer, a qualified planning professional, rather than to undertake a separate site visit. I am therefore satisfied the Council's position in respect to the scheme is ultimately a matter of planning judgement and has been fairly substantiated.
5. I empathise with the applicant in relation to the ultimate decision differing from earlier indications made by the planning officer, prior to consultation with their manager. However, it is noted that within the email dated 10 August 2023 the planning officer states that 'the proposal would be capable of officer support...', it does not expressly state that the proposal is acceptable. Accordingly, I am

satisfied that the change in direction is related to a better understanding of that proposed during the assessment of the scheme rather than a purposeful misdirection constituting in unreasonable behaviour.

6. Both the SPD and CA were referenced in the officer report's policy section along with several other policies and documents. That there were not referenced in the main body of the report does not automatically mean they were disregarded. From the evidence before me I am satisfied the Council has shown discretion to both documents' contents. As referenced in the appeal decision, there is clear guidance within the SPD in relation to higher frontage boundary treatments in areas predominated by lower frontage boundaries, and consideration of this point forms part of the Council's case.
7. Consequently, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RJ Redford

INSPECTOR