



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/23/3330474 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 detached four-bedroom dwelling and detached garage following demolition of existing dwelling, without complying with a condition attached to planning permission Ref F/21/91036.
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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 considers that the Council have behaved unreasonably by over relying on comments from a technical officer, and not assessing the proposal in the context of the full street scene thereby making vague, inaccurate, and generalised assumptions. They also consider the Council had an overly negative approach to similar schemes and proposed landscaping, failed to take account of the local Character Appraisal (CA) or the Quality Places Supplementary Planning Document (SPD), and misdirected itself in relation to the General Permitted Development Order (GPDO).
4. The Council's officer report describes the street scene satisfactorily and shows an independent assessment beyond the technical officer's comments. Nevertheless, it is not unreasonable for the Council as part of its considerations, to give great weight to the comments of technical officers, as specialists in their field. It is appreciated that the very nature of considering character and appearance is objective and although I have not agreed with the Council's assessment, and accordingly allowed the appeal, I found it to be clear and provide adequate justification for the Council's decision to refuse the application.
5. Although it is expected for any local planning authority to be proactive when dealing with planning applications, this does not automatically mean it has to respond positively to proposed amendments to a scheme. It is a matter of planning judgement as to whether other schemes are considered similar to that proposed. In relation to the CA and SPD, it is appreciated that they are not

specifically referred to within the assessment section of the officer report, but they are noted within the policy section and therefore it can be assumed they were taking into consideration.

6. Finally, that the Council have referred to Class A of the GPDO whilst the applicant has referred to section 55 of the Town and Country Planning Act is noted. That the Council did not consider section 55 is not tantamount to unreasonable behaviour as the proposal relates to the erection of a new dwelling which would constitute development, and not a pre-existing property.
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