



Costs Decision

Site visit made on 24 April 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.05.2024

Costs application in relation to Appeal Ref: APP/W1715/D/24/3339148 13 Satchell Lane, Hamble-le-Rice, Southampton SO31 4HF

- 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 & Mrs Steve & Juliet Simpson for a full award of costs against Eastleigh Borough Council.
 - The application Ref H/23/95847 dated 15 August 2023, was refused by notice dated 31 January 2024.
 - The appeal was against the refusal of planning permission for a single/two storey front extension to incorporate balcony, single storey side extension, single/ two storey rear extensions, elevational alterations and enlargement to site access and front parking area.
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Decision

1. The application for a full award of costs is refused.

Preliminary Matters

2. The costs application submitted by the applicants does not expressly state whether a full or partial award of costs is sought. However, by reason of the information contained within the costs application, I have interpreted the application as being as an application for a full award of costs, and I have considered the costs application on that basis.

Reasons

3. 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. The general principle embodied within the PPG is that the parties involved should normally meet their own expenses.
4. The application proposal (the current application) follows the refusal of an earlier application¹ (the earlier application), which was refused by the Council for three reasons. The earlier application was subject to an appeal² (the previous appeal) which was dismissed on character and appearance grounds only.
5. The applicants are seeking a full award of costs against the Council. The applicants consider that the Council have behaved unreasonably on substantive reasons, on the basis that the current application was refused by Members of

¹ H/22/94226 refused on the 31 January 2023

² APP/W1715/D/23/3320111 dismissed on 26 June 2023

the Planning Committee against the recommendation of the Council's professional officers. The applicants consider that the application was not subject to a full consideration by Members, who they consider were lobbied by local residents and had little regard to the case officer's Committee Report which recommended conditional approval. The applicants consider that in pursuing the appeal, this has caused them additional expense.

6. The PPG gives examples of substantive reasons for an award of costs, which includes making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
7. The earlier application was dealt with by officers under their delegated powers and was not considered by Members. The current application before me was recommended for approval by officers and placed before Council Members for a decision for the first time. It is well established that Council Members do not need to follow the advice of their professional officers and are open to exercise their own planning judgement, but in doing so, are required to adequately substantiate their position.
8. I have found in favour of the proposal in my appeal decision and I have therefore disagreed with the Council's reasons for refusing permission. However, this does not mean that the Council have acted unreasonably in refusing the application.
9. The previous appeal was dismissed on character and appearance grounds and it is understandable in my view that the current appeal would be scrutinised on such matters by Members. The case officer's Committee Report, whilst recommending approval, sets out in detail the balance of considerations undertaken in relation to character and appearance matters. It seems to me that in this context, Members could reasonably reach a different view to their officers, on what is ultimately a subjective matter.
10. Whilst the Committee minutes provided to me give limited detail, they do outline that Members raised concerns with what they considered to be an intrusive design, which they considered would have a detrimental effect upon the street scene. The minutes also outline that both objectors and the applicants presented, either verbally or in statement form, to the Committee, so Members would have heard submissions from both sides in reaching their conclusions.
11. The reason for refusal is also complete, precise, specific and relevant to the application submitted. It clearly states the policies of the development plan and the material planning considerations that, in the Council's view, the proposal would conflict with.
12. I therefore conclude that the Council did not act unreasonably in coming to their decision. There is no evidence to suggest that they have unreasonably prevented or delayed the proposal in this regard.

J Evans

INSPECTOR