

Town and Country Planning Act 1990

Costs Appeal by Tony Holt Design on behalf of Mr Steve
Simpson

13 Satchell Lane, Hamble-le-Rice, Southampton, SO31
4HF

Planning Inspectorate Ref:

APP/W1715/D/24/3349470

Local Planning Authority Ref: H/24/97499

COST REBUTTAL

On Behalf of Eastleigh Borough Council

September 2024

Introduction

1. This statement by the Local Planning Authority (LPA) is in response to the Appellant's application for the award of costs against Eastleigh Borough Council, dated 12 September 2024.
2. It is the LPA's understanding that a cost claim can only be awarded if it is demonstrated that the LPA has acted unreasonably (either procedurally or substantively) during the course of the application, and this has resulted in the Appellant incurring unnecessary costs. As set out with Paragraph: 030 Reference ID: 16-030-20140306 of the Planning Practise Guidance.

The Appellant's Grounds for an Award of Costs

3. The Appellant contends that the LPA acted unreasonably resulting in additional costs and expenses from having to appeal a planning application for a third, despite working closely with Case Officers during the pre-application stage and for the previously dismissed and allowed application as well as the application considered under the current appeal.

LPA's Response

4. The LPA acknowledges that the Appellant has worked proactively with the LPA particularly at the pre-application stage and during the previously allowed application. However, it must be noted that pre-application advice is non-binding and any subsequent planning application will be subject to a consultation period where new issues may be introduced and must be taken into consideration during the initial assessment and the decision making process.
5. It is acknowledged in the application stage of the allowed appeal submission, the Case Officer advised the pitched roof over the two storey extension in isolation was deemed acceptable in planning terms before amended plans were received omitting this element. The LPA would like to point out this was without the hip-to-gable roof alterations as this element had also been omitted from the scheme. In the Case Officer's committee report it stated the proposed works were significant and while approval was recommended, it was however, a balanced planning view.
6. Throughout the application stage of the current appeal application, the Case Officer advised the Planning Agent of the concerns of the proposals via emails, and this is provided in Appendices A and B. It was assessed in this application that the pitched roof over the two storey rear extension **and** hip-to-gable roof alterations were considered excessive in mass and scale at roof level and could not be supported by the LPA. This was considered sufficient grounds on which to refuse the application.

7. It is important to emphasize that throughout the application process, the Case Officer maintained communication with the Planning Agent. This ensured the Appellant was kept informed of the progress of their application and the concerns of the Case Officer were shared to the Planning Agent. It is not unreasonable for the Case Officer to refuse an application based on their assessment and interpretation of national and local planning policy guidance. The reasons for refusal have been justified within the delegated Officer Report and will be assessed separately by The Planning Inspectorate.

Conclusion

8. In accordance with the Planning Practise Guidance – The Award of Costs, the LPA is of the view that it has not behaved unreasonably. Furthermore, the Appellant's cost application does not clearly demonstrate how the LPA's alleged unreasonable behaviour has resulted in unnecessary or wasted expense. As such, the LPA respectfully requests the Appellants cost application is refused.