

Planning Inspectorate Ref:

APP/W1715/D/24/3349470

Local Planning Authority Ref: H/24/97499

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

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

RESPONSE TO LPA REBUTTAL

Date: 23/09/2024

Introduction:

This statement responds to the LPA response titled "Cost Rebuttal" received via the planning inspector on 19/09/2024. This statement will only respond to the points raised in the letter and will not add any new points/issues. For ease the LPA statement has been extracted in **blue** with the applicants response below each point.

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.

The applicant accepts that pre-application advice is non binding however there has been a constant failure of providing feedback that is consistent. Every application be in pre app or formal application the advice changes which makes it impossible to be able to respond accordingly.

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 has 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.

This statement is factually incorrect. An email dated 01/11/2023 (appendix A) was sent from the case officer Claire Campbell stating that she would accept formal submission of the amended plans that included the following:

- Site plan amended to show 3no. car parking spaces
- Single storey rear extension height lowered to 3.0m
- Slight setting down of the ridge to the two storey extension

- **Two storey rear extension set back by 0.5m**

Tony Holt Design responded on the 03/11/2023 with the formal revisions and these plans still included the hip to gable as well as the rear gable with setback of 0.5m with a half gable on the rear. For the LPA to say they never considered the rear gable roof in connection with the hip to gable of the existing is false as they were in receipt of these plans and were discussed at length.

The case officer then responded on the 07/11/2023 that the ecology had a standing objection and still required 2 bat surveys which could not be completed until May 2024 and therefore the decision was made to remove the alterations to the roof altogether so that the applicant could secure the ground floor and site layout changes and they could look to prepare any groundworks etc.

This statement from the LPA reinforces our response to their first paragraph that the advice given is forever changing and not consistent.

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.

Applicant doesn't dispute this. However the advice in this email as previously discussed.

It is important to emphasis 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.

The applicant and their agent accept the case officer maintained communication with the planning agent. We accept that its not unreasonable for the case officer to refuse an application based on their assessment and interpretation of the planning policy. However what is unreasonable is for advice to constantly change. The applicant has incurred fees throughout the process of dealing with Eastleigh for constant changing advice. This has resulted in drawings and reports being updated to reflect the advice only for the LPA to retract their statements, at some point the LPA must take accountability for their actions and the advice they given to which applicants instruct others.

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.

The LPA have acted unreasonably throughout their dealings on this site. This is the 3rd appeal on the site for the applicant. After following the direct advice of the LPA, each application has been refused. Had the LPA from the start provided correct advice that they would not have supported the hip to gable extension when combined with the rear gable roof during the 2nd application

then the applicant would not have instructed for the drawings to be changed to remove these elements. The applicant paid to update the drawings with a view to working proactively with the LPA. If the LPA had been upfront and said they would not support the proposals, then the applicant would not have amended the drawings and taken the 2nd application (in its original form) straight to appeal. It is likely that should this have been the case then the applicant would have commenced works on the hip to gable of the existing roof under the guidance of their ecologist who advised they could undertake the works with no threat to disturbing any bats. These works would not have required the further two surveys which the applicant also had to pay for. Ultimately if the advice from the start was that the LPA would not support the Hip to Gable and the rear gable then the applicant would have followed an entirely different path.

Because this was not the case the applicant has incurred the following:

- Changes to the drawings for the 2nd submission.
- Appeal of the 2nd submission. (Appeal Allowed).
- 2 further bat surveys.
- Resubmission of application to LPA.
- Appeal of this current application.

The applicant will be willing to provide a full breakdown of costs to the LPA should they be awarded.