



Costs Decision

Site visit made on 24 September 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Costs application in relation to Appeal Ref: APP/W1715/W/23/3335998 Willow Bee, Allington Lane, West End, Eastleigh SO30 3HP

- 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 D Bowers for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the refusal of planning permission for development described initially as "regularise replacement entrance, hardstanding and frontage fence".
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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. This application claims unreasonable behaviour by the Council in terms of automatically refusing planning permission and failing to give sufficient weight to material considerations.
3. The assessment of the development's effect on the character and appearance of the area is largely a matter of judgement. The Council's delegated officer report (OR) acknowledges other accesses within the locality and yet it also identifies reasons as to why the appeal development would be harmful in terms of its visual effects. My appeal decision explains why I have arrived at a similar conclusion and so it follows that the Council's contentions in these regards are reasonable.
4. The OR also notes the benefits of the development in terms of highway safety, so demonstrating that this matter was not ignored. The weight to be attributed to this as a factor in support of the scheme lies with the decision-maker. The Council, like me, has found the benefits are insufficient justification to allow the development contrary to development plan policies. The OR also demonstrates the planning application was not automatically refused but that an appropriate assessment of relevant issues was carried out.
5. The application for costs is critical that strategic policy S5 of the Eastleigh Borough Local Plan 2022 does not explicitly allow means of enclosure within the countryside. However, the Council is obliged to assess the development against the stated terms of this policy. It has not been demonstrated that the appeal scheme is related to any of the listed developments and land uses and so the Council's objections are entirely understandable.

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6. For the above reasons, I conclude that the costs application fails to demonstrate unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG. Therefore, an award of costs is not justified.

Jonathan Edwards

INSPECTOR