
Costs Decision

Site visit made on 4 February 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Costs application in relation to Appeal Ref: APP/W1715/W/24/3343675 Old Oak Farm, Winchester Road, Fair Oak, Hampshire SO50 7HD

- 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 Lomas for a full award of costs against Eastleigh Borough Council.
 - The appeal was against the refusal of planning permission for removal of two mobile homes and accompanying buildings and replacement with two new self-build dwellings, creation of new paddock area, improvements to access sight lines, and new landscaping of site frontage.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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. It was not unreasonable for the Council to conclude that the proposed development would not be a suitable form of development having regard to development plan policies in respect of development in the countryside and replacement dwellings. I have come to the same conclusion in my decision. However, there is an absence of proper consideration of the applicant's claimed benefits as material considerations in the officer report. It appears that no balancing exercise was undertaken as part of the determination of the proposal, and this is unfortunate and is regarded to constitute unreasonable behaviour. If the Council had carried out a proper balancing exercise when the application was determined, the applicant would have had more confidence in the decision and not needed to appeal in order to test its robustness. The absence of that exercise has therefore led to wasted expense.
4. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

5. In exercise of the powers under Section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Eastleigh Borough Council shall pay to Mr J Lomas the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.

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6. The applicant is now invited to submit to Eastleigh Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

K Reeves

INSPECTOR