

Town and Country Planning Act 1990

Costs Appeal by

Mr B Wright

**BARN COURT, HIGH STREET, BURSLEDON,
SOUTHAMPTON, SO31 8DL**

Planning Inspectorate Ref:
APP/W1715/W/25/3365615

Local Planning Authority Ref: H/24/98637

COSTS REBUTTAL
On behalf of Eastleigh Borough Council

May 2025

Appellant's Grounds for an Award of Costs

The appellant has raised a costs application on the basis of unreasonable behaviour resulting in unnecessary expense, citing three grounds:

- Preventing or delaying a development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Not determining similar cases in a fair and consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances

LPA's Response

The Local Planning Authority refute the claim that they have acted unreasonably which has led to the Appellant to be put to wasted time and expense in submitting the appeal in respect of this development. The matters that have been raised by the Appellant are responded to as follows:

The application wasn't as straightforward as it may have initially seemed, as it was connected to an ongoing enforcement case. Investigations into matters outside of the remit of this application were required in support of this enforcement case, whilst clarification on the proposed use was necessary to fully assess the proposal. These requests were not unreasonable and did not result in delay.

The main reason for delay beyond the statutory 8-week period was that the application was called into Local Area Committee. The application was called in by local members, including the Chair of the committee, as is their right under the Council's constitution. Similar schemes, including on the same committee agenda in March 2025 have been subject to similar scrutiny, one of which was approved subject to an amended condition restricting the use of the proposed annexe. This illustrates a consistent level of scrutiny applied for similar applications by the LPA.

During the Local Area Committee several neighbours spoke regarding this application, raising a number of concerns. The committee members felt that these concerns required further clarification in order to make an informed decision on the application. The matters that they raised were material planning concerns, and therefore its deferral and further delay until the next committee meeting is not deemed unreasonable.

Following this deferral, the intention was to take the application to the committee on 19th June where, with clarification of certain points, a decision was likely to be made soon after. An appeal for non-determination has been submitted by the appellants of their own volition, therefore any further delay in determination of this application will not be a result of the actions of the LPA.

As such, the Inspector is respectfully requested to dismiss the application for costs made against the LPA.