

Town and Country Planning Act 1990

Costs Appeal by Wessex Planning on behalf of
Mr Joe Dorrington

Derry Dacy Peewit Hill, Bursledon, Southampton, SO31 8BL

Planning Inspectorate Ref: APP/W1715/D/25/3370922

Local Planning Authority Ref: X/25/99319

COSTS REBUTTAL
On behalf of Eastleigh Borough Council

August 2025

1.0 Introduction

- 1.1 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, produced by Wessex Planning Ltd, dated 15 July 2025.
- 1.2 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 within Paragraph: 030 Reference ID: 16-030-20140306 of the Planning Practice Guidance.

2.0 Factual and Policy Context

2.1 Site and planning history

The appeal site is a substantial residential plot at the end of Peewit Hill. It lies outside the urban edge and within a settlement gap, where policy aims to prevent urban encroachment and maintain openness and separation between settlements.

There is a long planning history at this address with several refusals for excessive bulk/scale and an urbanising effect on the countryside. Permission was only granted in H/24/98601 (April 2025) after the design was reduced, particularly the overall scale and roof form. This background explains the Council's caution about further incremental enlargement through permitted development (PD).

2.2 Condition 10: purpose, scope and wording

When the reduced scheme was permitted in April 2025, Condition 10 removed PD rights under Classes A, B, C, D and E (Part 1, GPDO). The decision notice sets out the wording: no additional extensions, outbuildings, dormer windows and roof alterations without planning permission, "to protect the amenities of the locality and to maintain a good quality environment." The condition is clear in scope and is tied to the site's specific sensitivities.

The delegated report for X/25/99319 explains why this control is still needed: the countryside/settlement-gap setting; a large plot that already contains significant built form (including a sizeable outbuilding); and a history where cumulative massing has repeatedly tested policy limits. It also recognises that Class AA no longer applies because an extra storey has already been approved, but Classes A–C and E would still allow further additions. Without control, these could add up over time and cause harm. Keeping the condition ensures any future proposals are assessed on their merits through a planning application.

2.3 The refusal reason for X/25/99319

The refusal reason is clear: removing Condition 10 would enable further development on a site outside the urban edge and within a settlement gap. Given the scale already on site, the sensitive location and the planning history, this creates the potential for cumulative, uncontrolled additions that would harm rural character, appearance and openness, contrary to Policies S5, S6, DM1 and DM26, the Quality Places SPD and the NPPF (2024).

2.4 How further harm could arise (why control is still needed)

- Plot capacity and cumulative massing: The plot's size and layout (with extensive ground-floor additions and a sizeable outbuilding already in place) would allow further Class A–C works and Class E buildings. Over time, these could noticeably increase the bulk and spread of buildings across the plot, changing how the site reads within the countryside and settlement gap.
- Character and openness in a settlement gap: Even if individual changes are modest, their combined effect can erode openness and rural character, contrary to Policy S6. The report links this cumulative risk to earlier refusals for excessive bulk and to the fact that the approved scheme was effectively the most that could be accepted.
- Need for case-by-case assessment: Keeping Condition 10 means any further proposals can be tested against Policies S5/S6/DM1/DM26 (and design guidance), with proportionate mitigation and control of scale. This is better than allowing changes to build up under GPDO limits, which were not designed to deal with settlement-gap policy or to judge cumulative effects on this particular site.

3.0 **The Appellant's Grounds for an Award of Costs**

3.1 The LPA refutes the claim that they have acted unreasonably, which has led to unnecessary costs or delays in submitting this appeal in respect to the development. The LPA will respond to the points raised within the Appellant's statement of case below.

3.2 Claim 1: The LPA relied on vague assertions and gave no objective analysis

The delegated report sets out the location outside the urban edge, the settlement gap, the planning history of refusals for bulk/scale, and the plot's scope for further additions. It explains how PD under Classes A–C and E could accumulate over time and erode rural character and openness, and why control remains necessary at this site. That is clear, site-specific analysis, not vague assertion.

3.3 Claim 2: Condition 10 fails the six tests

- Necessary/reasonable: Condition 10 was imposed on H/24/98601 to keep proper control over any further extensions, roof changes and outbuildings on a large plot in a settlement gap with a record of over-scaled proposals. Declining to restore PD rights in full is a straightforward continuation of that purpose.
- Clear wording: The decision notice lists the classes (A–E) and gives the reason “to protect the amenities of the locality and to maintain a good quality environment.” The scope is plain and tied to the site context.
- AA point: Even if one part (such as Class AA) is now irrelevant, the proper course would be to refine the condition rather than remove it entirely. The main risk comes from Classes A–C and E (extensions, roof works and outbuildings). The LPA’s position against removing the condition wholesale is reasonable.

3.4 Claim 3: PD has built-in checks, so further harm would not occur

GPDO limits are general thresholds; they are not a substitute for local judgement in a settlement gap, where several small changes can collectively reduce openness and alter character. The delegated report explains this cumulative risk for this plot and its history.

3.5 Claim 4: The site is secluded so impacts would be minimal

Seclusion does not remove the policy aim to avoid urbanising effects in the gap. The report notes how the overall amount and spreads of buildings across this large plot could still read as overdevelopment and be perceived from public vantage points.

3.6 Claim 5: The LPA is inconsistent

The Appellant’s examples do not show they are genuinely comparable to Derry Dacy in planning history, plot form/visibility, the extent and sequence of works, or the same combination of issues present here. Each application is determined on its own merits. The delegated report explains why control remains justified on this site regardless of outcomes elsewhere.

3.7 Claim 6: Parts of the condition are unnecessary (e.g. AA/porch), so the whole condition should go

Even if any single part is no longer needed, that does not justify removing the entire condition. The main risk arises from extensions, roof changes and outbuildings that could still proceed if PD were restored. If the Inspector considers any edits are needed, the proportionate approach would be a limited re-wording, not removing the condition altogether.

3.8 Claim 7: Procedural issues

The application was determined under delegation with a full written assessment and a clear, policy-based refusal reason. There is no separate procedural unreasonableness causing wasted expense.

- 3.9 The Appellant has not demonstrated unreasonable behaviour by the LPA. The refusal to remove Condition 10 is supported by the site context and history and by the policies cited in the delegated report, and the decision was made under delegation with a full written assessment and a clear, policy-based reason for refusal. The Appellant's disagreement with planning judgement is not, in itself, unreasonableness for costs purposes. Accordingly, a costs award is not justified.

4.0 **Conclusion**

In accordance with the Planning Practice Guidance (PPG) – Appeals: award of costs, the LPA is of the view that it has not behaved unreasonably, and therefore the Appellant has not incurred unnecessary or wasted expense as a result of the Council's conduct. In this case, given the site's countryside/settlement-gap context, the planning history, and the clear rationale for retaining Condition 10 set out in the delegated report, the Council's approach was reasonable. The Inspector is respectfully requested to dismiss the application for a full award of costs.