

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/25/3370921

Local Planning Authority Ref: X/25/99320

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 21 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 Site Context

- 2.1 The permission (ref: H/24/98601) included a temporary construction access at the end of Peewit Hill and required it to be removed within 12 months, with reinstatement of the boundary, replacement planting, and 10-year maintenance, in the interests of visual amenity. The condition is specific and time bound.
- 2.2 The site lies outside the urban edge and within a settlement gap. The delegated report explains that retention of the additional access would have an urbanising effect, is not necessary (a lawful principal access already serves the dwelling), and that the second opening was not on the approved plans. Condition 9 also serves the separate purpose of securing landscape restoration after construction.

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 condition is unnecessary because landscaping Condition 5 already controls visual impact

Condition 9 has a distinct purpose: it requires the temporary access to be removed, and the boundary reinstated within a fixed period, with long-term planting maintenance. A general landscaping condition does not secure closure of an opening or removal of an access. The two conditions deal with different matters; both were reasonable in this countryside/settlement gap context.

- 3.3 Claim 2: The condition is imprecise/unreasonable because the access is "permanent" and it was not on the approved plans

Condition 9 identifies the access ("the temporary site access at the end of Peewit Hill"), sets a 12-month removal trigger, and requires

restoration/planting with 10-year maintenance. That is clear, enforceable and proportionate. The access was not shown on the approved drawings, so it did not form part of the permitted layout; control and restoration were therefore necessary.

3.4 Claim 3: The LPA misunderstood the GPDO; there is a PD fallback under Class B (access) and Class F (hardstanding)

Class B permits forming or improving an access in connection with development permitted by the GPDO. That is not the case here: the works were granted by full permission H/24/98601, and the additional access is expressly controlled by Condition 9, so the PD route cited does not apply. In any event, once a planning permission is granted and implemented, the development must be carried out in accordance with its conditions; any suggested PD fallback does not override the requirement to remove the access and reinstate the boundary within 12 months. Class F concerns surfacing within the curtilage; it does not authorise creating or retaining a second vehicular access or the loss of boundary enclosure—the specific effects addressed by Condition 9.

3.5 Claim 4: The LPA introduced “new” reasons (necessity / urbanisation / subdivision) beyond visual amenity

The officer report for X/25/99320 records the planning judgement for keeping Condition 9: the access is not needed to serve the dwelling (a principal access already exists); retention would urbanise the frontage and could facilitate subdivision/intensification over time; and the condition secures restoration. All points are tied to adopted policy for a site within a settlement gap. This is proper elaboration of the same policy harms, not a change of case.

3.6 Claim 5: Other properties have accesses; the Council is inconsistent

No evidence shows the cited situations are genuinely comparable in location, policy context, history or extent of development. Decisions are fact-specific; here the access sits in a settlement gap and Condition 9 was part of making the original scheme acceptable.

3.7 Claim 6: Highways raised no objection, so the access causes no harm

Highways comments addressed traffic/safety only. The LPA’s decision concerns visual/character effects in a settlement gap—a different planning issue. The absence of a highways objection does not undermine the landscape/character concerns identified.

3.8 Claim 7: The site is secluded so impact is minimal

Seclusion does not displace the policy aim to avoid incremental urbanisation in a settlement gap. The report explains why a second access would read

as urbanising and why restoration is needed to return the frontage to a more rural form.

4.0 Procedural Conduct

- 4.1 The application was determined under delegation with a full written assessment and a clear, policy-based reason for refusal. The officer report explains the site's countryside/settlement gap context, the temporary nature of the construction access, the fact that the additional opening was not shown on the approved plans, and why removal and reinstatement are required in the interests of visual amenity.
- 4.2 No evidence has been presented of delay, failure to engage, or any other procedural default by the LPA that would have caused unnecessary or wasted expense. The Appellant's case is a disagreement with the LPA's planning judgement, which is not, in itself, unreasonable behaviour for costs purposes.

5.0 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 LPA's conduct. Given the site's countryside/settlement gap context, the existence of a principal access, the temporary and unapproved nature of the additional opening, and the rationale recorded in the delegated report — including that retention would urbanise the frontage and could facilitate subdivision/intensification over time — the LPA's approach was reasonable. The Inspector is respectfully requested to dismiss the application for a full award of costs.