



Costs Decision

Site visit made on 15 September 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Costs application in relation to Appeal Ref: APP/W1715/C/23/3329379

58 Bright Wire Crescent, Eastleigh, Hampshire SO50 5SQ

- The application is made under sections 78 and 322 and Schedule 6 of the Town and Country Planning Act 1990 and section 250(5) of the Local Government Act 1972.
- The application is made by Mr Oliver Westwood for a full award of costs against Eastleigh Borough Council.
- The appeal was against an enforcement notice issued by Eastleigh Borough Council.

Summary Decision: The application for an award of costs is refused.

Preliminary Matters

1. I have taken the Council's response to the costs application and the applicant's final comments into account in determining the application. Matters relating to planning merits have already been considered in my appeal decision and are largely a difference of planning judgement.

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. An award can only be made if both these tests are met.
3. In essence, the main thrust of the costs application is that the applicant considers the Council should not have imposed condition No.5 removing permitted development rights and not taken enforcement action against the outbuilding at No.58; especially as there were previous outbuildings at No.58 and, it was claimed, because enforcement action has not been taken elsewhere on the estate for similar development.
4. I appreciate that the applicant is aggrieved but that in itself does not justify an award of costs. The sequence of events leading to the issue of the enforcement notice is not unusual and the applicant did not take up the Council's invitation to submit a planning application. Instead, he pursued the appeal in response to the enforcement notice. It will be apparent from my appeal decision that I respectfully do not agree with the applicant's arguments on the matters in dispute.
5. There is little to suggest that the Council did not properly exercise its development management or planning enforcement powers at any time when it did. There is evidence that this also included the opportunity for applications to be made seeking retrospective planning permission for similar development elsewhere on the estate. The timing of enforcement action is a matter for the Council and there is no apparent reason why it could not take further such action in the future, including in

light of my appeal decision, if it decided it was expedient to do so. The Council says the situation is 'under review'.

6. The Council provided an appeal statement. That it did not cover all of the appellant's points is, on the face of it, because it responded insofar as the Council considered it was necessary. Mistakes, such as erroneous reference to a fence, while careless were plainly not relevant to the appeal, of no material consequence and likely required little time or effort to flag up.

Conclusion

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a full award of costs is not warranted. Nor is a partial award of costs warranted for the same reasons.

Formal Decision

8. The application for an award of costs is refused.

Robin Buchanan

INSPECTOR