

Costs Decision

Site visit made on 10 August 2016

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2016

Costs application in relation to Appeal Ref: APP/B9506/W/16/3152434 Land at Irongates, Holmsley Road, Wootton, New Milton, BH25 5TP.

- 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 Mrs L Crow for a full award of costs against New Forest National Park Authority.
 - The appeal was made against the refusal of planning permission planning permission for a replacement stable block without complying with a condition attached to planning permission Ref 15/00906, dated 5 January 2016.
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Decision

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

Reasons

2. 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. It includes imposing a condition that is not necessary, is not relevant to the development being permitted, is not reasonable in all other respects and thus does not comply with the guidance in the National Planning Policy Framework.
3. For the reasons set out in the Appeal decision letter condition 3 is not necessary to make the proposed development acceptable. Whilst condition 3 addresses various concerns relating to the property as a whole the proposed stables were allowed on a one for one replacement basis. No concerns were raised to the visual/environmental impact of the proposed building. Condition 3 therefore fails the tests of need, relevance to the development being permitted and reasonableness.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

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,
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and all other enabling powers in that behalf, IT IS HEREBY ORDERED that New Forest National Park Authority shall pay to Mrs L Crow, 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.

Elizabeth Lawrence

INSPECTOR