

---

## Costs Decision

**by Mr N P Freeman BA(Hons) DipTP MRTPI DMS**

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

Decision date: 25 August 2016

---

### **Costs application in relation to Appeal Refs: APP/B9506/C/15/3138134 & APP/B9506/C/15/3139135**

#### **Land at Charles Lane, Crow, Ringwood, Hants, BH24 3DB**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by New Forest National Park Authority for a full award of costs against Mr J and Mrs J Light.
  - The appeals were against an enforcement notice alleging the mixed use of land for agriculture and the stationing of caravans, storage of non-agricultural items and domestic items, the erection of a building and the laying of a hardstanding.
- 

#### **Decision**

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

#### **Reasons**

2. I have considered the application in the light of the advice contained in the Government's Planning Practice Guidance (PPG) on such matters. This advises that irrespective of the outcome of the appeal costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily in the appeal process.

#### ***Submissions for the Authority***

3. The application is for a full award. Having regard to the relevant paragraphs of the PPG there has been unreasonable behaviour on the part of the appellants in pursuing these appeals and unnecessary costs have been incurred as a consequence. The appellants failed to take any meaningful steps to remedy the breaches of planning control following the receipt of correspondence and site meetings with representatives of the Authority. The appeals were lodged without seeking professional advice despite the advice to do so. They were not required to seek such advice but even if not professionally represented an appeal still has to be lodged responsibly and on a reasonable basis supported by reasonable facts and evidence. The appellants have failed to do so and the lengthy correspondence they have supplied has failed to clarify the grounds of appeal leaving both the Inspectorate and the Authority having to seek to interpret those being pursued.
4. On the only ground actually identified on the appeal form (ground (b)), no evidence has been provided to support the claim that the breaches alleged have not taken place as a matter of fact and some comments in correspondence actually contradict this claim by confirming that some of the breaches have taken place.

5. The appeals have been time consuming and costly to defend and had no reasonable prospects of success in the absence of clarity about the arguments being pursued and any evidence of substance. Hence a full award is justified.

***Response for the Appellants***

6. No response

***Inspector's conclusions***

7. It is clear from my appeal decision that I have not been persuaded by the appellant's arguments and have upheld the notice. I also agree that these arguments lacked clarity and were not necessarily to the point but have had regard to the fact that the appellants were not legally represented and that they were endeavouring to explain the basis of their appeal as they understood it. Indeed the representations and correspondence provided are extensive and do include certain factual information which was advanced in support. Whilst I have not found this convincing this is not a situation where an appellant has failed to respond or not sought to explain the basis for pursuing the appeal. Their action may have been misguided given the circumstances but I do not consider it was unreasonable in the sense required by the PPG to warrant an award of costs.
8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated.

**Decision**

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

*N P Freeman*

INSPECTOR