



Costs Decision

Site visit made on 4 December 2015

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 22 January 2016

Costs application in relation to Appeal Ref: APP/B9506/W/15/3131073 Land adjoining Mandel and Staddle Stones, Chapel Lane, Nomansland, Wiltshire SP5 2DA

- 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 the New Forest National Park Authority for a full award of costs against Mr & Mrs J Ford.
 - The appeal was made against the refusal of outline planning permission for development described as 'Residential outline incorporating existing residential access (5/2004/1755 – resubmission)'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) 2014 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.
 3. The NPA has referred to Circular 03/2009 as the basis for its claim but this has been superseded by the PPG. However this does not invalidate the application for costs.
 4. The NPA considers that the appellants submission of an application that is clearly contrary to the development plan, specifically Policy CP12 of the New Forest National Park Core Strategy and Development Management Policies DPD 2010, without substantive other material considerations, is unreasonable behaviour.
 5. It will be clear from my Decision that the considerations advanced were not of sufficient weight, either individually or collectively, to outweigh the conflict with the development plan, which to their credit the appellants acknowledge rather than indulge in a specious argument that there is no such conflict.
 6. However I consider that most of the matters raised in support of the appeal are worthy of at least argument and due consideration, notwithstanding that I have rejected most of them. Furthermore, in the case of the specific effect
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of the site's development on its immediate surroundings I recognise that in itself a more modest scale of development would not necessarily be harmful.

7. Whilst I also consider this would be insufficient to justify a departure from the relevant development plan policy and to overcome the other shortcomings of the proposal, I am not of the view that this and the other material considerations are so inadequate as to make the lodging of an appeal unreasonable as defined in the PPG, including the scenario within it correctly referred to on behalf of the appellants.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Martin Andrews

INSPECTOR