The Planning Inspectorate

Costs Decision

Site visit made on 28 August 2018

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

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Costs application in relation to Appeal Ref: APP/B9506/D/18/3203948
Forest View, Linford Road, Shobley, Ringwood BH24 3HT

- 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 Mr Greg Guillon for a full award of costs against the decision of the New Forest National Park Authority ('the NPA').
- The appeal was against the refusal of planning permission for the conversion of the existing loft space above the garage into a new bedroom and ensuite, including lifting the existing ridge line to accommodate, and the provision of a link to the existing dwelling.

Decision

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

Reason

2. The Government's Planning Practice Guidance 2014 ('the PPG') 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. The PPG gives examples of unreasonable behaviour by an LPA and in this case I consider that the most relevant is a lack of co-operation with the other party (the appellant's architect).

3. In this context the appellant considers that the NPA failed to engage fully with their architects on the evidence they submitted during the pre-application and application processes. It is argued that this led to a refusal of permission, when if it had been co-operative the NPA would have been in a position to grant permission and avoid the unnecessary delay and expense of the appeal.

4. However, in an era when many LPAs resolutely confine dialogue with a potential applicant to a paid for Pre-Application and more often than not do not seek to negotiate with applicants once the application has been made, I consider that the NPA showed considerable and consistent level of engagement with the appellant's architects.

5. This noticeably diminished after the officers had decided to their own satisfaction that the 30% floorspace limit had in fact been used as part of the evolution of development on the site, but overall I consider that the NPA conducted itself reasonably as regards communication, if not co-operation as sought by the appellant. I acknowledge that Government advice is for LPAs to be pro-active in the development management process, but perhaps

because of the shortage of resources available to them, there are countless examples cited in appeal proceedings of a failure to carry out that exhortation.

6. It will be evident from my Decision in this appeal that I do not regard the evidence and information provided by either side to have been in itself determinative. I have therefore taken an 'on balance' decision, with the benefit of any doubt given to the appellant. The detail and persistence displayed by the appellant's architects in the application and appeal processes has played a key part in my not giving greater weight to the circumstantial evidence of the NPA that in some respects supports its argument. However, this does not extend to establishing that despite some errors and partial withdrawal of engagement earlier this year, the Authority failed to properly carry out its statutory duties, including the actual procedure under which the Decision was made.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

Martin Andrews

INSPECTOR