
Costs Decision

Site visit made on 21 August 2018

by Steven Rennie BA (Hons) BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2018

Costs application in relation to Appeal Ref: APP/B9506/W/18/3193372 Hatch Motors of Sway, Station Road, Sway, Hampshire SO41 6BA

- 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 Landmark Estates for a full award of costs against New Forest National Park Authority.
 - The appeal was against the refusal of planning permission for a three storey building to include: convenience store (Use Class A1), 5 flats; associated refuse, plant area and parking areas; 4 no. two storey dwellings with associated parking; demolition of existing garage and associated outbuildings.
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Decision

1. The award for the award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant states that the appeal was unnecessary as the proposal complies with the development plan. The applicant also highlighted the positive pre-application feedback they received and that the Planning Committee overturned the recommendation for approval from the Planning Officer.
5. With regards the pre-application feedback, informal advice given before an application is made without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors. On this matter, I also note that the Planning Officer recommended approval for the scheme, but this was overturned by the Planning Committee.
6. It is not unreasonable for the Members of a Planning Committee to consider the recommendation of their professional officers but decide not to agree with this, as happened with this case. The Planning Committee did not agree that this is

a sustainable development that should be supported in this instance. I also find the reason for refusal and the subsequent statements from the Council to be thorough and well-reasoned, concluding against planning policy. In these circumstances, I consider that there is no evidence to support that the refusal was made just to appease objectors.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Steven Rennie

INSPECTOR