



Costs Decision

Site visit made on 28 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Costs application in relation to Appeal Ref: APP/B9506/W/19/3239224 Tanglewood Stables, Balmer Lawn Road, Brockenhurst SO42 7TS

- 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 D Truder for a full award of costs against New Forest National Park Authority.
 - The appeal was against the refusal of planning permission for change of use of existing building to dwelling.
-

Decision

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

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.
3. As the application, the Authority's response and the applicant's final comments were given in writing and are known to the parties, it is not necessary for me to set out the grounds in detail.
4. I do not consider that the Authority has acted unreasonably. It is agreed by the parties that the proposal is contrary to the terms of the development plan, and the adoption of the New Forest Local Plan 2016 – 2036 following the Authority's decision on the original application did not change that.
5. It is also the case that the Authority took into account the potential fall-back position, so it cannot be said that it failed to take into account a material consideration which it should have so done.
6. The real complaint is that the Authority did not come to the conclusion that other material considerations meant that the determination should be made otherwise to the terms of the development plan. However, this is a matter of weight and subjective judgement where different conclusions can reasonably be made in balancing the development plan and other material considerations.
7. The Authority explained why it took the position that it did and substantiated that position. While I came to a different conclusion to that of the Authority that does not mean that the Authority's position was unreasonable.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

RJ Jackson

INSPECTOR