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## Costs Decision

Hearing held on 12 December 2024

Site visit made on 12 December 2024

**by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> March 2025

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### **Costs application in relation to Appeal Ref: APP/C1760/W/23/3335723**

#### **Brambley Hedge Latchmore Drove, Landford, Salisbury SP5 2BJ**

- 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 William (Billy) Sherred for a full award of costs against New Forest Park Authority.
  - The appeal was against the refusal of planning permission for the change of use of land to provide a single Gypsy and Traveller family pitch consisting of a static mobile home, dayroom, parking for a tourer, 2 vehicle and cycle parking spaces, turning areas together with the laying of other hardstandings.
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### **Decision**

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

#### **The submissions for Mr William (Billy) Sherred**

2. The Authority has shown unreasonable behaviour in not meeting target dates and ignoring his family history and needs. It has not responded to calls from his agent and the applicant has incurred unnecessary wasted expense/expenditure and time spent in the planning process, engaging specialist consultants to assist with the appeal and planning application. The applicant has used his savings to cover costs and has suffered extreme mental health as detailed in the appeal documentation.

#### **The response by New Forest Park Authority**

3. The Authority has had to deal with significant supporting information following telephone conversations and email with the applicant's sister. The Authority then had to deal with the applicant directly, following a family disagreement, and conflict in her professional capacity in dealing with other Gypsy and Traveller families. The applicant subsequently sourced and resubmitted information, as much of it was in the form of property searches and letters from estate agents.
4. Ongoing communications took place between the planning officer and the applicant's agent in providing information to satisfy the policy requirements of the local plan. The Authority made it clear what information was required and gave the applicant a generous time scale to submit it, so as not to place undue pressure on the applicant or agent. The agent had been poorly. Once it became clear, no information was forthcoming, the application was presented to planning committee for determination on 20 June 2023.
5. The Authority's decision was made on 20 June 2023, but the appeal was not lodged until 19 December 2023. During an officer's site visit, it was apparent the

occupation had taken place by the applicant, a fact not made explicit within the application. It can reasonably be suggested that the delay in lodging the appeal by the applicant has also prolonged the planning process, with the applicant continuing to occupy the site for the duration. An Enforcement Notice was issued on 29 November 2023 and has taken effect and is due to be complied with on or before 12 July 2024. The Enforcement Notice has not been appealed.

6. It is also noted that no appeal against non-determination of the application was lodged prior to its determination at planning committee, as the Authority had been working with the applicant and his agent and seeking to provide the applicant opportunity to submit additional requested information.
7. In respect of the applicant's family history, the Officers' committee report sets out that the applicant's statement formed part of the evidence submitted in support of the application. It was requested that this document be kept confidential, and it is therefore not in the public realm. However, it was taken into consideration and the report makes clear that the applicant's identity as a Romany Gypsy is not in dispute. It makes direct reference to the applicant's statement and notes that some of the information within the applicant's statement is disputed, particularly in respect of the assertion that the applicant is the Gypsy Liaison Officer for both Hampshire and Wiltshire local authorities.
8. In respect of the Authority "ignoring the appellants needs", it is not made clear what the applicant's needs are in this context, and it is assumed that it is the asserted "need" for the applicant to occupy the site. The locational need for the site is discussed in the Officers' committee report and this factor therefore has been taken into consideration. In respect of failing to respond to calls, extensive correspondence was had between the applicant's agent and the Authority, as well as between the applicant's sister and the Authority prior to her withdrawal of her support.

## Reasons

9. Parties in planning appeals normally meet their own expenses. However, 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.
10. The length of time to determine a planning proposal should be minimised but the applicant had an opportunity to lodge an appeal against non-determination if he had wished for a decision through the appeal process. The officer's report details the applicant's family history and needs under the heading of 'Assessment of the evidence submitted', which included the 'Applicant's Statement'. In its hearing statement, the Authority further commented upon this under 'Comments on Appellant's Grounds of Appeal' and provided comments about the importance of this consideration in its planning balance during discussions at the hearing. Importantly, the weight to be given to these considerations and the outcome of the Planning Balance involves some subjectivity.
11. At the hearing, the Authority changed its position as to whether the applicant fell within the definition of Gypsy within the Planning Policy for Travellers and Showpeople (PPTS) which had formed part of its reasons for refusal. Whilst it withdrew its objections on this issue, there is no evidence that the applicant was put to unnecessary or wasted expense, especially given that a revised PPTS was

published on the day of the hearing. In any case, it is inevitable that the consideration of family history and needs, including personal circumstances, would be a matter that the applicant had to prepare for, at the hearing, given the nature of the proposal, and the planning balance that the Inspector would need to carry out in his planning decision.

12. In terms of the nature of discussions between parties, the applicant and the Authority portray different versions of the events. No detailed evidence has been produced to support each party's position and on the basis of the information before me, it has not been demonstrated that the Authority has acted unreasonably and incurred unnecessary expense in the appeal process. Furthermore, the appeal has been dismissed and therefore, the Authority has not prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

### **Conclusion**

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For all the above reasons, the application for costs is refused.

*J Parsons*

INSPECTOR