



Costs Decision

Site visit made on 27 May 2026

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2026

Costs application in relation to Appeal Ref: 6005374

Batchley Farm, Broadmead, Sway, Hampshire SO41 6DH

- 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 H Murray Philipson for a full award of costs against New Forest National Park Authority.
 - The appeal was against the refusal of planning permission for replacement annexe (demolish existing).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (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.
3. The PPG¹ sets out examples of unreasonable behaviour by planning authorities as including preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, and; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. As set out in my appeal decision, I found Policies SP19 and DP35 of the New Forest National Park Local Plan 2016-2036 (NFNPLP) (adopted 2019) to not be relevant to the appeal proposal. Whilst I found NFNPLP Policies DP37 and DP2 to be relevant, the officer report to Planning Committee does not amplify the specific areas of conflict beyond saying that the scheme would provide a new, purpose-built, self-contained unit of accommodation, tantamount to a new dwelling in the open countryside.
5. No on-the-ground assessment of the above issue is articulated in the officer report, in respect of the existing outbuilding, and the relationship between the existing and proposed outbuilding and the main dwelling. The purported self-contained use of the proposal, tantamount to a new dwelling, is thus not substantiated, and is ultimately unfounded.
6. The real-world conflict with the above policies is also not substantiated in the officer report, in terms of potential impacts within and surrounding the appeal site. The

¹ Paragraph: 049 Reference ID: 16-049-20140306

focus is instead placed on the appeal building's location in the countryside outside of a defined village, and a 1995 planning condition that had restricted its use.

7. However, Policy DP37 is a permissive policy that governs outbuildings, subject to certain criteria, and does not preclude such countryside locations. And as also set out in my appeal decision, the breach of the 1995 planning condition is not a relevant consideration under that policy, as it does not refer to an unauthorised use as a constraint to development.
8. Therefore, the limited weight given by the National Park Authority (NPA) to the existing outbuilding, and its current facilities and use part and parcel to the main dwelling, is without adequate justification. This led to an incorrect interpretation of the proposal as amounting to additional habitable accommodation, and subsequent purported conflict with criterion d) of Policy DP37 that is erroneous.
9. The above flawed assessments led the NPA to prevent development which should have clearly been permitted. This also included incorrect and irrelevant references to Policy SP19 as a new dwelling and Policy DP35 as a replacement dwelling. Furthermore, the two examples elsewhere in the New Forest National Park² cited as justification to recommend refusal are materially different in substance to the appeal scheme, as also set out in my appeal decision.
10. Moreover, for the above reasons the NPA's justification for refusing permission is based on vague, generalised and inaccurate assertions about the appeal proposal's impact, unsupported by any objective analysis.
11. As I have found the proposal to comply with the development plan as a whole (as set out in my appeal decision), the above matters in themselves represent unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The NPA's response to this costs application has not persuaded me otherwise. A full award of costs is therefore warranted on the above grounds alone.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that New Forest National Park Authority shall pay to Mr H Murray Philipson, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
13. The applicant is now invited to submit to New Forest National Park Authority, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Cahalane

INSPECTOR

² No 2 Rose Cottages, Brook, and Vaggs Lane, Hordle.