

Town and Country Planning Act 1990
Appeal by Mr B Bassett
Site Address: 59 Hazelton Way, Waterlooville, PO8 9BP

Response to appellant's application for an award of costs.

Havant Borough Council

Appeal Ref: APP/M1710/C/24/3349196

1.0 Statement +

- 1.1 As set out in the Planning Practice Guidance "Parties in planning appeals and other planning proceedings normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process...".
- 1.2 The Planning Practice Guidance (2014) states 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.
- 1.3 The Local Planning Authority (LPA) contends that throughout its dealings with the pre-application and planning enforcement action at 59 Hazelton Way, it has behaved reasonably towards Mr Bassett. The appellant has sought costs in respect of appeal ref: **APP/M1710/C/24/3349196**
- 1.4 The appellant's case is based upon what is considered constitutes unreasonable behaviour in which the LPA did not substantiate its reasons for refusal although no formal determination was sought just preapplication advice letter attached at appendix A and that it was not expedient to take enforcement action officer report attached at appendix B.
- 1.5 The Inspector's attention is drawn to Appendix A 'Pre-Application Response' where the case officer said " Further to a site visit to the area and after consulting with senior planning officers, I am of the opinion that the constructed storage shed and cycle shelter are considered out of context with the area and the streetscene. The significant dimensions of the shed, being fixed and located prominently at the front of the property, with very limited existing screening makes the structure highly visible from the roads and the public realm. Furthermore, the surrounding area is characterised by low front boundary treatment and open front area space, it is deemed that the new structure has therefore resulted in an adverse visual impact within the streetscene and would set a precedent for inconsistent and out of character

front outbuildings. Therefore, it is unfortunately considered unacceptable and would not receive officer's support were a planning application to be submitted. “

- 1.6 A full assessment was carried out including site visits by both the planning enforcement team and the planning officer to the site. As a result, the proposal when viewed in conjunction with the existing streetscene the proposed storage shed and cyclestore were considered to be out of context with the area and streetscene contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework. The Inspector is drawn to Appendix A which covered the planning considerations considered. The LPA is satisfied that the planning officer's advice was clear both to the issues considered and to those matters which led to the final recommendation.
- 1.7 The LPA actively engaged with the applicant in accordance with Paragraph 126 of the National Planning Policy Framework to try to come to an amicable resolution. Discussions took place with the applicant advising in the first instance that the development did not benefit from permitted development through to preapplication advice. The applicant has rejected the planning officer's advice and never sought a formal determination, it was considered expedient to take enforcement action given as set out in the officer report appendix B.
- 1.8 In conclusion, the LPA is of the opinion that the claim for costs is without merit as it falls outside the scope of the advice in the Planning Practice Guidance and fails to show that the LPA has acted unreasonably or incurred the appellant in unnecessary or wasted expense in the appeal process. The LPA therefore respectfully requests that the claim for costs be dismissed.