

Costs Decision

Site visit made on 9 September 2014

by R M Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2014

**Costs application in relation to Appeal Ref: APP/X1735/D/14/2223271
22 Bedford Close, Havant, Hampshire PO9 2TP**

- 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 Mrs Sarah-Jane Lewis for an award of costs against Havant Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for a two storey side extension and single storey rear extension with loft conversion and new porch.
-

Decision

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

Reasons

2. Planning Practice Guidance (PPG) Paragraph 030 advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who 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 sets out that local planning authorities are at risk of an award of costs if they behave unreasonably by not determining similar cases in a consistent manner.
4. In determining the appeal, I found matters that differentiate the appeal development from that brought to my attention at 10 Luard Court. As I find these cases not to be similar, the Council acted reasonably in exercising its judgement concerning the character and appearance of each locality, the potential impact of each proposal and coming to a different conclusion in each case.

Conclusion

5. I have identified that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG paragraph 030, has not been demonstrated and an award of costs is therefore not justified.

R Barrett

INSPECTOR