

Costs Decision

Site visit made on 19 October 2015

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 13 November 2015

Costs application in relation to Appeal Ref: APP/X1735/W/15/3124785 Land at 16 Latchmore Forest Grove, Waterlooville, Hampshire, PO8 8XG

- 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 J Tate for a full award of costs against Havant Borough Council.
 - The appeal was made against the refusal of planning permission to demolish side extension to No 16 and erect 1 No two-bedroom bungalow.
-

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. The applicant has argued that the Council behaved unreasonably by failing to have regard to Policy CS17 of the Havant Borough Core Strategy 2011, the Council's Housing Supplementary Planning Document (SPD) (2011) and the findings of their Annual Monitoring Report (AMR) (2014).
 4. Policy CS17 deals with the spatial distribution of development within the Borough. It identifies five urban areas where new development, including housing, will be concentrated. Amongst these is Waterlooville, a large expanse of urban area where indicative numbers show over 2000 new dwellings would be required over the Plan period. The officer's report does not directly quote Policy CS17. However, its paragraph 7.2 clearly states that the site is '*located within a defined urban area for development plan purposes*'. In my opinion this reasonably reflects the objectives of Policy CS17 and I do not find the absence of any direct policy reference to be indicative that its aims were not considered or accorded weight in the decision process.
 5. In relation to housing mix the Housing SPD identifies that there is greatest demand for smaller households. The latest AMR indicates a drop-off in completions compared to previous years of one and two bed dwellings within the Borough.
-

6. There is no doubt that the appeal proposal would fulfil a role in redressing the balance with regard to these two identified issues, even if only to a small degree. Nevertheless, whilst this may indicate some presumption in favour of the development this does not equate to an automatic assumption that planning permission for the appeal proposal should have been granted. The National Planning Policy Framework (the Framework) identifies three dimensions to sustainable development; being economic, social and environmental. It states that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system, indicating that a balance must be struck between a number of issues.
7. Added into the mix is the question over the former use of the land. Despite some assertions by the applicant that it housed a pet shop there was no substantive evidence within the appeal documents to support this, suggesting instead, in my opinion, that it was most likely a residential curtilage possibly including some alternative but ancillary use. As a consequence, I do not take the appeal site as being previously developed land having regard to the definition of such within the Framework's glossary.
8. The Council clearly accepted the principle of new residential development in this location. They found fault however in the detail of the appeal proposal with regard to environmental matters, notably issues relating to character and appearance and living conditions. These turned on subjective judgements and whilst my findings on these matters differed from the Council's I can understand an alternative viewpoint. In such circumstances it would be reasonable to find that the proposal did not represent a sustainable form of development when seen in the round and that any benefits of a single new two-bed dwelling within a former residential curtilage may be insufficient to outweigh the harm.
9. I accept that there is no clear indication within the officer's report that any positive attributes of the scheme were weighed in the balance when the Council made their decision to refuse planning permission. This is regrettable. However, I am not persuaded that this misdirected the Council to a conclusion that was necessarily wrong and therefore led to an appeal that was unnecessary, preventing or delaying development which should clearly have been permitted.
10. The reasons for refusal themselves were well framed and were properly supported by a relevant policy of the development plan. Each stood up to a reasonable level of scrutiny.
11. Overall, whilst there is some fault on the Council's part for failing to demonstrate that they had weighed up all the relevant planning considerations this behaviour did not directly cause the applicant unnecessary or wasted expense by having to pursue an unnecessary appeal. I therefore find that unreasonable behaviour, as described in the Planning Practice Guidance, has not been demonstrated.

John D Allan

INSPECTOR