



The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

20 August 2020

Your ref: **APP/L1765/C/20/3248934**

Our ref: **19/02468/FUL**

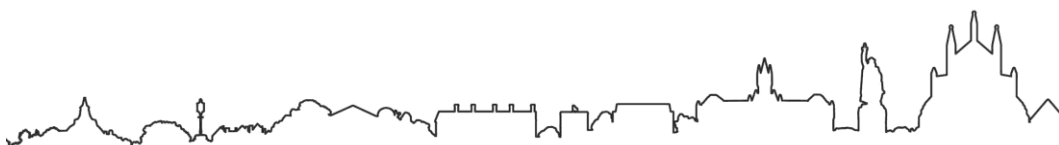
Dear Ms Coke,

**RE: Land To Rear Of 5 Hillside, Kitnocks Hill, Curdridge, Hampshire**

Thank you for your letter dated 17<sup>th</sup> August 2020. I note that the appellant has submitted an application for the full award for costs against the Council. This letter provides the Council's formal response to the application.

Planning Practice Guidance sets out that Local Planning Authorities are at risk of an award of Costs if they behave unreasonably with respect to the substance for the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonable defending of appeals. The appellant argues that the Council's actions in relation to this appeal have resulted in:

- Delays to the determination of the application;
- The Council's late decision to refuse the application following a further consultation with the Strategic Policy Department and apparent overturn of the officer's recommendation;
- Lack of consideration of policy, planning history or material planning considerations;
- The issuing of an enforcement notice



The main argument by the appellant is that the Council acted unreasonably by not giving sufficient weight to material considerations and that the precise wording of the reason for refusal was not discussed within the committee meeting.

Notwithstanding the original Officer's recommendation, the Council contends that the application was given all due and proper consideration by the elected members which comprise the Planning Committee.

It is standard procedure, in the case of a refusal contrary to officer opinion, for the reason for refusal to be discussed by the committee and the exact wording to be delegated back to the officer and confirmed by the Service Lead for the Built Environment and the Committee Chair. This was the same in this case, where the reason was discussed and the exact wording was then agreed later by the Committee Chair and the Service Lead for the Built Environment. It is also standard procedure following a reason for refusal to consider the expediency of issuing an enforcement notice. In this case it was considered expedient to do so following a Member decision to refuse a retrospective planning application.

The appellant has stated that the Committee acted unreasonably by not conducting a site visit. It is the Council's position that a site visit was conducted by the Case officer and photos of the site were shown at the Committee meeting. It is only in certain cases where the Committee do not consider that sufficient information is present within the case officer report and presentation that a Committee site visit is requested. The information within the report and presentation was considered sufficient for the Committee to make a decision.

The appellant has stated that the Committee behaved unreasonably by not giving due weight to previous decisions of a similar nature. It is the Council's position that each application is taken on its own merits. The appellant's agent spoke at the Committee meeting and circulated a letter to the members with details of the other cases and appeal decisions that the appellant has raised. These were considered by the Committee and given limited weight due to the location of the other sites, in other villages within the district and the South Downs National Park, that have significantly different characteristics to the appeal site.

The Council therefore states that it did not behave in an unreasonable manner and respectfully requests that the appellant's application for costs be dismissed.

Yours sincerely

Rose Lister  
Case Officer