

**LAND AT CAROUSEL PARK, BASINGSTOKE ROAD,
MICHELDEVER, WINCHESTER,
HAMPSHIRE, SO21 3BW**

**APPLICATION FOR COSTS ON BEHALF OF THE
APPELLANTS**

1. The Appellants seek a full award of costs against the LPA in the event that any of the appeals succeed under Ground (e). These appeals would only succeed if the Inspector was to find that there had been a failure to properly serve the enforcement notices (“**the Notices**”) and as a consequence any or all were quashed. A failure to serve any or all of the Notices would be a breach of a statutory obligation amounting to unreasonable behaviour resulting in the wasted costs of the entire appeals. This application is made in accordance with the provisions set down in the relevant paragraphs of the Planning Practice Guidance (“**PPG**”).
2. The application is made in writing before the close of the Inquiry in accordance with the PPG (PPG §16-035). It is submitted that the LPA have acted unreasonably (PPG §16-030 PPG),¹ and that such unreasonable behaviour has occasioned wasted costs on the part of the Appellants.
3. Service of the Notices must be made in accordance with the provisions set out at s.172 and s.329 of the 1990 Act. Proper service is a statutory obligation upon the LPA pursuant to s.174(2)(e). The relevant submissions with regards to failure of service are set out in the Appellant’s written Closing Submissions and, if the Inspector concludes that there has been a failure to properly serve any or all of the Notices and

¹ Unreasonable behaviour is to be considered within its normal meaning as established in in *Manchester City Council v SoSE & Mercury Communications Ltd* [1998] JPL 774

that this has led to substantial prejudice (s.176(5)) such that the Ground (e) appeals succeed, then the failure of the LPA to satisfy the mandatory statutory service obligations would amount to unreasonable behaviour.

4. That unreasonable behaviour will have led to the wasted costs of unnecessary appeals, and will no doubt result in further Notices having to be served and further appeals, with the consequent costs to the Appellants.
5. The Appellants seek a full award of costs, in the event that the any or all of the Notices are quashed pursuant to the ground (e) appeals.

Michael Rudd

Kings Chambers

Manchester-Birmingham-Leeds

27th November 2023