

**TOWN AND COUNTRY PLANNING ACT 1990**  
**SECTION 174 INQUIRY**

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

**APPEALS BY MR LOVERIDGE, MR O'DONNELL, MR P. STOKES, MR CARTER, MR B.  
STOKES, MR CRUMLISH, MR FLYNN**

**PINS REFS: APP/L1765/C/22/3296767; 3296768; 3296771; 3296772; 3296773; 3296774;  
3296776; 3296777; 3296778; 3296779; 3296781; 3296782; 3296783; 3296784; 3296503; 3296504**

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**COSTS APPLICATION RESPONSE**  
**ON BEHALF OF THE LOCAL PLANNING AUTHORITY**  
**WINCHESTER CITY COUNCIL**

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1. The Council responds to the Appellants' application for a full award of costs against the Council in the event that any of the appeals succeed under Ground (e).
2. The Appellants' application for based is wholly misconceived.
3. The Appellants submit that, if any of the appeals succeed on ground (e), there would have been a failure on the part of the Council to comply with a statutory obligation and that this, in and of itself, would amount to unreasonable behaviour resulting in the wasted costs of the entire appeals.
4. The Council's position, of course, is that the enforcement notices were properly served and that there is no basis for suggesting otherwise (is set out at ¶10-24 of the Council's closing submissions, which for brevity are not repeated here). Not only are the Appellants' ground (e) appeals hopeless in the light of the above, but the Appellants have been unreasonable in pursuing those appeals.
5. However, even if, contrary to the Council's position, the Inspector were to allow any of the appeals on ground (e), it does not follow that the Council's conduct of the appeal has been unreasonable. The Appellants' application is based on nothing more than an assertion that if the appeals are successful, there must have been unreasonable behaviour. That is obviously wrong. Indeed, beyond asserting that the enforcement notices would not have been served in

accordance with the statutory requirements (which is a prerequisite to a successful appeal on ground (e)), the Appellants have not identified any unreasonable behaviour on the part of the Council. The Appellants' submission would mean, effectively, that in any appeal that was successful on ground (e), an award of costs against the Council must follow. That obviously cannot be correct.

6. The Appellants' costs application is, unfortunately, a further attempt on the part of the Appellants to distract from the substance of the Council's application for costs.
7. The Appellants' application for costs should be dismissed.

**Jack Parker**

**Jack Barber**

Cornerstone Barristers

29<sup>th</sup> November 2023.