
Costs Decision

Site visit made on 31 August 2016

by Rory Cridland LLB (Hons)

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

Decision date: 29 September 2016

Costs application in relation to Appeal Ref: APP/E1210/W/16/3150993 94 Ringwood Road, Walkford, Christchurch BH23 5RF

- 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 Ms Diane Burton for a full award of costs against Christchurch Borough Council.
 - The appeal was against the refusal of planning permission to "form/extend dropped kerb onto Ringwood Road to form safer entry onto the road from driveway".
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application essentially relies on the local planning authority not having taken account of the rear turning area and the ability for a single vehicle to turn and exit the site in forward gear in reaching their decision. The Council has acknowledged that it was not aware of the rear area at the time of making the decision.
4. A single reason was given for refusal; that the proposal would be detrimental to highway safety. My decision makes clear that I agree with that conclusion. In reaching that decision, I found that the restricted access to the rear area would limit its ability to provide a suitable turning area for vehicles parked to the front. Accordingly, it appears to me that, even if the Council had been aware of it, the existence of this area would not have materially impacted on their decision.
5. Furthermore, although it is currently possible for a single vehicle to turn at the front of the site, this would not be the case in the event that more than one vehicle was parked there. This was at the root of the Council's concerns and I am satisfied that those concerns have been substantiated.
6. Accordingly, I find no unreasonable behaviour on the part of the Council and, as such, conclude that an award of costs is not justified.

Rory Cridland

INSPECTOR
