

## Costs Decision

Site visit made on 20 September 2016

**by R Barrett BSc (Hons) MSc Dip UD Dip Hist Con IHBC MRTPI**

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

**Decision date: 18<sup>th</sup> October 2016**

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### **Costs application in relation to APP/Q1255/W/16/3151723 Malcolm Cottage, 38A The Avenue, Poole, Dorset BH13 6HE**

- 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 Leslie Cantwell for an award of costs against Poole Council.
  - The appeal was against the refusal of the Council to grant outline planning permission to 'demolish house, erect five houses; two pairs semi-detached, one detached'.
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### **Decision**

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

### **Procedural Matter**

2. The applicant has not indicated whether he applies for a full or partial award of costs. However, this matter does not affect the outcome of this Decision. If it did, I would have sought clarification on this matter.

### **Reasons**

3. Planning Practice Guidance (PPG) paragraph 030 advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.<sup>1</sup>
4. PPG paragraph 049 states that planning authorities will be at risk of an award of costs against them if they provide vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The Council, in refusing the appeal application, made a decision contrary to the advice of its officers. Members of the Council made a different planning judgement regarding the impact of the appeal proposal on the character and appearance of the locality. That reason for refusal was substantiated at appeal, including reference to relevant development plan policy. In this regard, I consider that the Council acted reasonably.

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<sup>1</sup> ID 16-030-20140306

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**Conclusion**

6. I have identified that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG paragraph 030, has not been demonstrated. Therefore, neither a partial or full award of costs, is justified.

*R Barrett*

INSPECTOR