
Costs Decision

Site visit made on 25 October 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 13 December 2016

**Costs application in relation to Appeal Ref: APP/Q1255/D/16/3153133
61, Orchard Avenue, Poole, BH14 8AH**

- 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 and Mrs Govier for a full award of costs against Poole Council.
 - The appeal was against the refusal of planning permission for extensions to side and rear of existing 2^{1/2} storey house.
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Decision

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

Reasons

2. *Planning Practice Guidance – Appeals (PPG)* advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submitted a costs claim in writing and the Council responded in writing.
4. In essence the appellants' claim is that the Council acted unreasonably in going against its Officers recommendation to grant permission, and that this led to the unnecessary costs of the appeal. However, determining the impact of a proposed development is largely a matter of judgment. For the reasons given in my decision I came to a different view from the Council and allowed the appeal. Thus this was not a case where permission should have been granted and the Council did not act unreasonably so as to cause the appellant unnecessary expense.
5. I find that unreasonable behaviour resulting in a unnecessary or wasted expense, as described in the *Planning Practice Guidance*, has not been demonstrated and that an award of costs is not justified.

R J Marshall

INSPECTOR