
Costs Decision

Site visit made on 7 December 2016

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 02 February 2017

Costs application in relation to Appeal Ref: APP/Q1255/W/16/3146348 Land to the rear of 22 Bond Road, Poole BH15 3RT

- 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 Derrick Morris for a full award of costs against Poole Council.
 - The appeal was against the refusal of planning permission for outline permission for a dwelling.
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Decision

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

Reasons

2. 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 or wasted expense in the appeal process.
3. The case revolves around the view that the site could be used as a site for growing food, flowers or keeping and breeding of livestock and that this use would have a comparable level of traffic that compares with the level of traffic associated with a single dwelling. As a consequence, there would be no justification to conclude that the impact of the proposal would be severe on transport grounds. The applicant goes on to state that there is no contrary evidence that would form a respectable basis for the respondents stance. The respondent cites that the lane is substandard but without confirming what this should be, and the planning officer's report confirms a private allotment use but the transportation officer relies on the point that there is no planning use associated with the site.
4. I have considered both the existing and proposed lawful use of the site and placed limited weight on the fall-back use in terms of traffic generation because of the lack of evidence to demonstrate that such a use had a reasonable prospect of occurring. The matter of whether the development was acceptable or not was one of planning judgement. The respondent's case did form a respectable and sufficient basis for the stance taken in refusing permission. The appeal was therefore unavoidable. I therefore find that unreasonable behaviour resulting in unnecessary expense has not been demonstrated. A full or partial award of costs is therefore not justified.

Iwan Lloyd

INSPECTOR
